



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, January 25, 2016

7:00 P.M.

1. **INVOCATION-** BISHOP DONALD L. ALFORD, SR.
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

16-05 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA PUBLICLY HONORING AND THANKING PHILLIP L. ST. CLAIR, PARK SUPERINTENDENT AND THE FORMER EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION, AND HONORING HIM FOR HIS 34 YEARS OF DEDICATED PUBLIC SERVICE TO THE CITIZENS OF SOUTH BEND, INDIANA

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

72-15 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 3055 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

81-15 PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 5603 F J NIMTZ PARKWAY, THE SOUTHWEST CORNER OF F J NIMTZ PARKWAY AND MOREAU COURT AND PROPERTY NORTH OF AND ADJACENT TO 3575 MOREAU COURT, SOUTH BEND, IN

- 80-15 PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: FIRST EAST/WEST ALLEY NORTH OF CALIFORNIA AVE. BETWEEN SHERMAN AVE. AND THE NORTH/SOUTH ALLEY
- 02-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ESTABLISHING A NEW NON-REVERTING UNSAFE BUILDING FUND #219, TRANSFERRING EXISTING FUNDS, AND AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE
- 05-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW
- 06-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

8. BILLS ON THIRD READING

TIME: _____

BILL NO.

- 72-15 THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 3055 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA
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FUND #219, TRANSFERRING EXISTING FUNDS, AND AMENDING
CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL
CODE

05-16 THIRD READING ON AN ORDINANCE OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING
FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS
AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL
OF WEEDS AND RANK VEGETATION PURSUANT TO THE
INDIANA UNSAFE BUILDING LAW

06-16 THIRD READING ON AN ORDINANCE OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING
FEES FOR SECURING AND DEMOLISHING STRUCTURES
PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

9. RESOLUTIONS

BILL NO.

16-06 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE
CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 6741
LUTZ DRIVE, SOUTH BEND, IN 46614 AS A RESIDENTIALLY
DISTRESSED AREA FOR PURPOSES OF A (5) FIVE-YEAR
RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR
JEFFREY SZALAY AND AMBER O'BRIEN

10. UNFINISHED BUSINESS

BILL NO.

16-03 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED A
2906 PRAIRIE AVENUE, SOUTH BEND, INDIANA

16-04 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED A
3939 SOUTH MICHIGAN STREET, SOUTH BEND, INDIANA

11. NEW BUSINESS

12. PRIVILEGE OF THE FLOOR

13. ADJOURNMENT

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, December 16, 2015

The Honorable Council of the City of South Bend
4th Floor, County-City Building
South Bend, IN 46601

RE: A proposed ordinance of Sonora Properties of Indiana LLC to zone from LB Local Business District to OB Office Buffer District, seeking a Special Exception Use to allow for personal services, and seeking the following two variances: 1) from the required landscaping of required perimeter yards and residential bufferyards for the northernmost 90' of the west property line to the existing landscaping; and 2) from the required off-street parking area screening to none along the north, east, and west parking lot boundaries, property located at 3055 Edison Road, City of South Bend - APC# 2768-15.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Sonora Properties of Indiana LLC was legally advertised on Thursday, December 03, 2015 and that the Area Plan Commission at its public hearing on Tuesday, December 15, 2015 took the following action:

Upon a motion by John DeLee, being seconded by Robert Hawley and unanimously carried, the proposed ordinance of Sonora Properties of Indiana LLC to zone from LB Local Business District to OB Office Buffer District, property located at 3055 Edison Road, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this site to OB Office Buffer District with the limited Special Exception Uses permitted will allow for a responsible adaptive-reuse while providing a buffer between the residential neighborhood and Edison Road.

Upon a motion by Dan Brewer, being seconded by Robert Hawley and unanimously carried, the Special Exception Use to allow for personal services was sent to the Common Council with a FAVORABLE recommendation.

The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

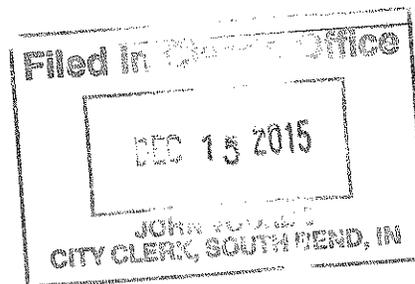
Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Sonora Properties of Indiana LLC

Janice Hensel



Staff Report

12/4/2015

APC # 2768-15
Owner: Sonora Properties of Indiana LLC
Location: 3055 Edison Road
Jurisdiction: City of South Bend
Public Hearing Date: 12/15/2015

Requested Action:

The petitioner is requesting a zone change from LB Local Business District to OB Office Buffer District, seeking a Special Exception Use for Personal Services, and seeking two variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing single family home equipped as a salon.
- North: To the north are the soccer fields of Bohem Park zoned SF1 Single Family & Two Family District.
- East: To the east is an open field of Bohem Park zoned SF1 Single Family & Two Family District.
- South: To the south across Edison Road are single family homes zoned SF1 Single Family & Two Family District and a church zoned MF2 Urban Corridor Multifamily District.
- West: To the west is a single family home zoned SF1 Single Family & Two Family District.

District Uses and Development Standards:

The OB - Office Buffer District is established to promote the development of small scale office, professional, business, governmental and quasi-governmental uses. Since the types of permitted uses in the OB District are typically less commercial in appearance and are architecturally more harmonious with residential structures, this district can serve as a buffer between residential districts and more intense commercial or industrial districts. The OB District may also serve as a gradual and reasonable transition between major thoroughfares and residential districts. The OB District development standards are established to assure small scale developments.

Site Plan Description:

Existing on this 0.6 acre site is a vacant residential structure which has been modified into a hair salon with an attached garage. A paved lot with 15 parking spaces is provided to the east of the house. The property is surrounded on three sides by mature trees.

Zoning and Land Use History And Trends:

This property was rezoned in 2005 from SF1 Single Family & Two Family District to LB Local Business District with the written commitment that the use of the property be limited to a full-service beauty salon.

Staff Report

12/4/2015

Traffic and Transportation Considerations:

Edison Road has four lanes and a center turn lane.

Utilities:

The site is served by municipal water and sewer.

Agency Comments:

County Surveyor recommends approval. City Engineer notes that all landscaping must be installed on private property and not located on the public right-of-way.

Commitments:

The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006); Objective LU 2: Encourage a compatible mix of land uses in the community.

Land Use Plan:

The future land use map identifies this area as low density residential.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

Edison Road between Rockne and Hickory consists of single family and multifamily residential, with a commercial node near the intersection with Hickory.

3. Most Desirable Use:

The most desirable use is residential or low-impact office uses.

4. Conservation of Property Values:

Surrounding property values should not be negatively impacted due to the fact that this is already zoned for, and being used as, a beauty salon.

5. Responsible Development And Growth:

It is responsible development and growth to allow this property to be down-zoned to the OB Office Buffer District.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning, a Special Exception Use, and two variances from the development standards. The Commission will forward the rezoning and the Special Exception Use to the Common Council with or without a recommendation and either approve or deny the variances.

State statutes and the South Bend Zoning Ordinance require that certain standards must be

met before a variance or Special Exception Use can be approved.

The Special Exception Use is for Personal Services.

A Special Exception Use may only be granted based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.

This site has previously been used as a beauty salon. The proposed Special Exception Use is low-impact and appropriate for a major corridor. It should not generate additional traffic to the site.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.

The property was previously used for non-residential uses. With proper screening, adjacent properties should not be adversely impacted.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.

The proposed use is an adaptive reuse of an existing building. No major modifications are planned that would change the character of the area.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan. The comprehensive plan encourages a compatible mix of uses in the community.

The variances are as follows:

- 1) from the required landscaping of required perimeter yards and residential bufferyards for the northernmost 90' of the west property line to the existing landscaping; and
- 2) from the required off-street parking area screening to none along the north, east, and west parking lot boundaries.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The property is already screened on three sides by dense vegetation. Because the property to the north and east is a large open park area, it would not be injured by lack of parking screening where other screening already exists.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Surrounding property values will not be adversely affected because the perimeter landscaping will effectively screen the parking lot.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Report

12/4/2015

Strict application of the landscape regulations would require the site to have redundant landscaping.

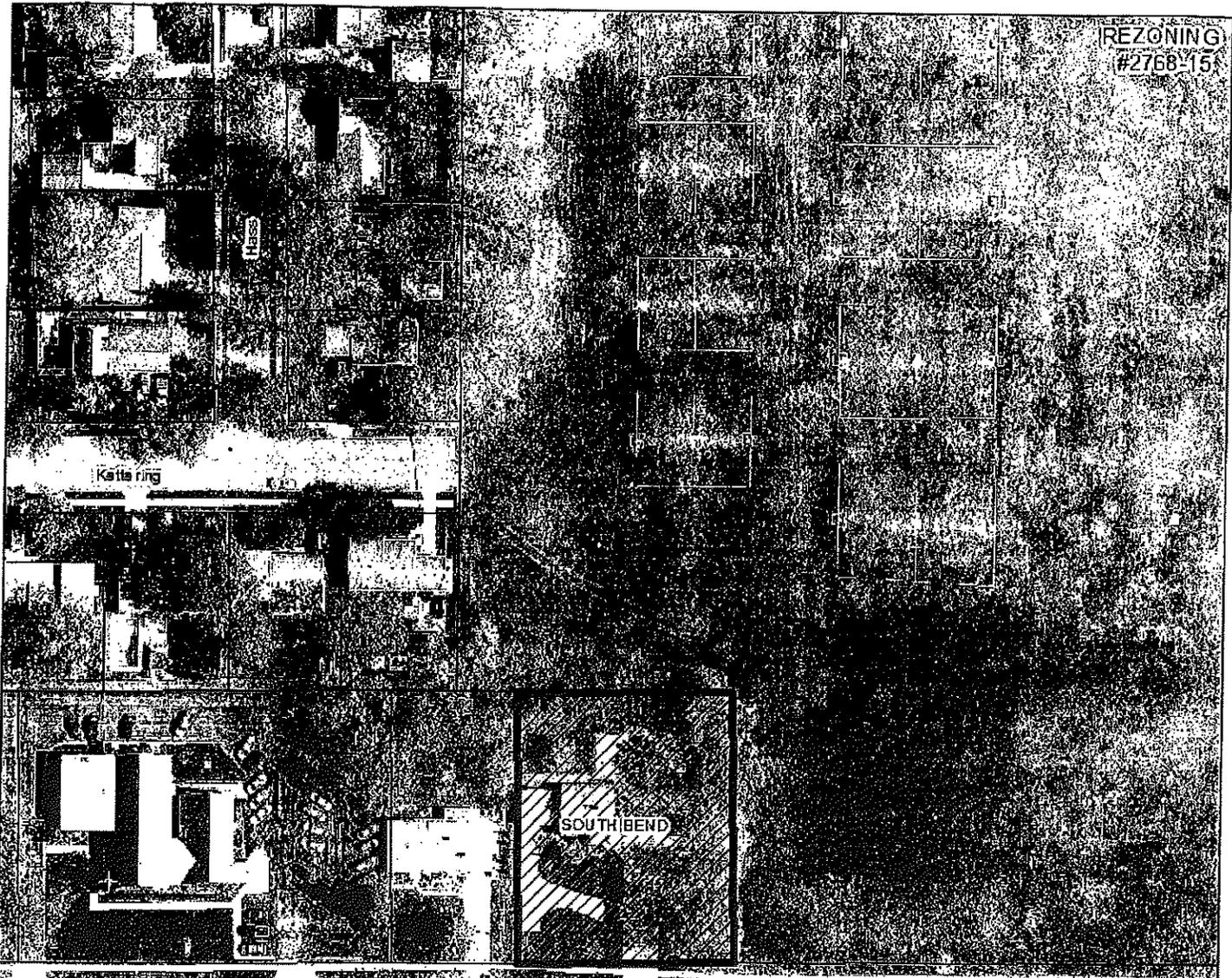
Recommendation:

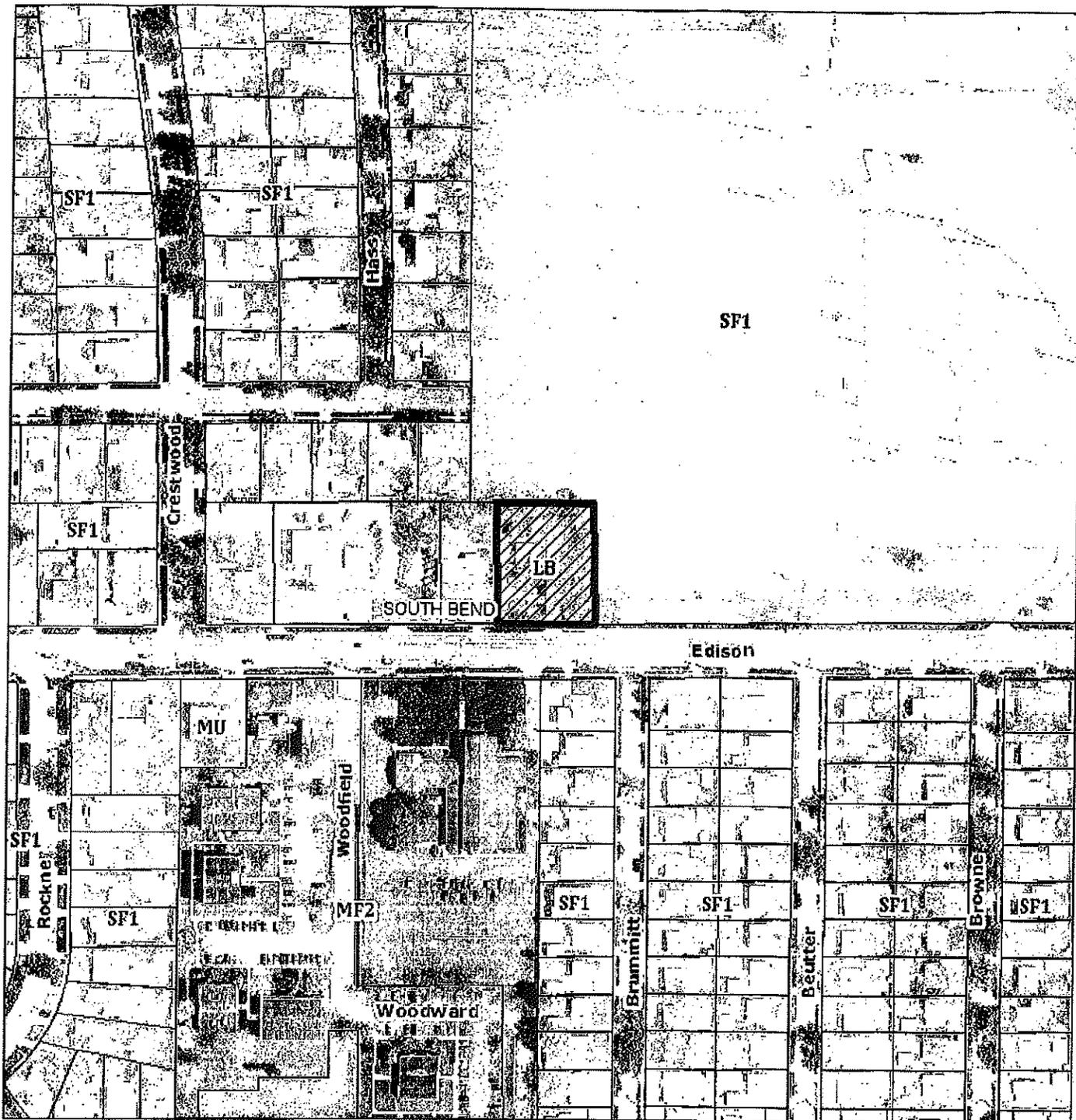
Based on information available prior to the public hearing, staff recommends that the rezoning petition and Special Exception Use be sent to the Common Council with a favorable recommendation. Staff recommends approval of both variances.

Analysis:

Rezoning this site to OB Office Buffer District with the limited Special Exception Uses permitted will allow for a responsible adaptive-reuse while providing a buffer between the residential neighborhood and Edison Road.

REZONING
#2768-15

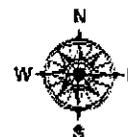




**Rezoning from:
 "LB" LOCAL BUSINESS DISTRICT to
 "OB" OFFICE BUFFER DISTRICT**

MASTER ZONING KEY

- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF2" HIGH-DENSITY MULTIFAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT



1 inch = 200 feet

APC # 2768-15

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 3055 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

REZONING TO OB OFFICE BUFFER DISTRICT TO ALLOW USES PERMITTED WITHIN, AND SEEKING A SPECIAL EXCEPTION USE TO ALLOW FOR PERSONAL SERVICES.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, as amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP38 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 2120.15 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH A DISTANCE OF 220 FEET; THENCE EAST A DISTANCE OF 140 FEET; THENCE SOUTH A DISTANCE OF 220 FEET TO THE SOUTH LINE OF SAID SECTION 32; THENCE WEST ALONG SAID SOUTH LINE OF SECTION 32, A DISTANCE OF 140 FEET TO THE PLACE OF THE BEGINNING (COMMONLY KNOWN AS 3055 EAST EDISON ROAD, SOUTH BEND INDIANA 46615).

be and the same is hereby established as OB Office Buffer District

SECTION II. That a Special Exception *for* personal services in a OB Office Buffer District zoning district is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

City Clerk

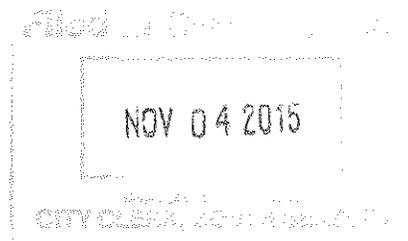
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____,
20____, at _____ o'clock _____.m.

City Clerk

Approved and signed by me on the _____ day of _____, 20____, at _____ o'clock
_____.m.

Mayor of the City of South Bend, Indiana

1st READING 11-9-15
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



PETITION FOR A COMBINED PUBLIC HEARING
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at: *3055 Edison Road, South Bend, IN 46615*

2) The property Tax Key Number(s) is/are: *02410010442*

3) Name and address of property owner(s) of the petition site:

*Sonora Properties of Indiana LLC
525 N. 17th Street
Niles, MI, 49120
269-362-4080
julidon2@gmail.com*

Name and address of additional property owners, if applicable:

4) Name and address of contingent purchaser(s), if applicable:

*Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address*

Name and address of additional property owners, if applicable:

5) It is desired and requested that this property be rezoned:

From: *LB Local Business District* Additional zoning district, if applicable

To: *OB Office Buffer District*

6) This rezoning is requested to allow the following use(s): *Any uses allowed in OB Office Buffer and an exception for personal services uses as well.*

7) If applicable, a detailed description and the purpose of the variance(s) being requested: *Variances in the site plan based on adequate existing screening.*

8) A statement on how each of the following standards for the granting of variances is met:

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *The current existing screening is adequate in areas where a variance is requested.*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Use and value of adjacent properties will be enhanced by making it possible to sell or lease to a good user rather than continue to have it sit vacant. Additional unnecessary screening would not have any additional benefit to the adjacent properties.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Requiring unnecessary additional screening where adequate screening already exists would result in an undue financial hardship on the owners who have already carried the expenses of this vacant property for a long time.*

9) If not clearly shown on the Preliminary Site Plan, a site plan showing the requested variances shall also be submitted.

10) If applicable, a detailed description and purpose of the Special Exception(s) being requested: *In addition to the uses allowed in OB Office Buffer, we are requesting an exception to OB to also allow personal services uses, including hair salons and nail salons. Although the property is well suited for a variety of office uses, it is currently configured for use as a hair salon, we need to keep it open for personal services uses as well to have a greater chance of obtaining a tenant or a sale to EITHER office or personal services users.*

11) A statement on how each of the following standards for the granting of a Special Exception is met:

- (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Granting the personal services uses will not be injurious as that it what it is currently approved for.*
- (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Granting the personal services uses will not be injurious as that it what it is currently approved for.*
- (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *It will be consistent because it is already approved for a hair salon.*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *It is already approved for use as a hair salon/LB.*

12) In the case of a Special Exception, the petitioner shall be held to the representations made on the Preliminary Site Plan.

13) Applications for subdivisions should be obtained from the office of the Area Plan Commission.

14) Attached, and made a part of this PETITION, is:

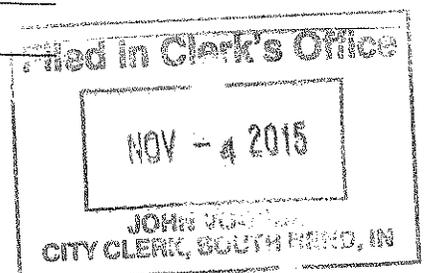
- (a) a list of names and addresses of all property owners, and the tax key numbers for all properties within 300 feet of the petition property;
- (b) addressed, stamped envelopes for all property owners within 300 feet of the petition property.

CONTACT PERSON:

*Janice Hensel
2477 Lake Street
Niles, MI 49120
574-298-4319
jdhensel87@gmail.com*

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

Julene W. Donoh, Secretary
Janice D. Hensel, President



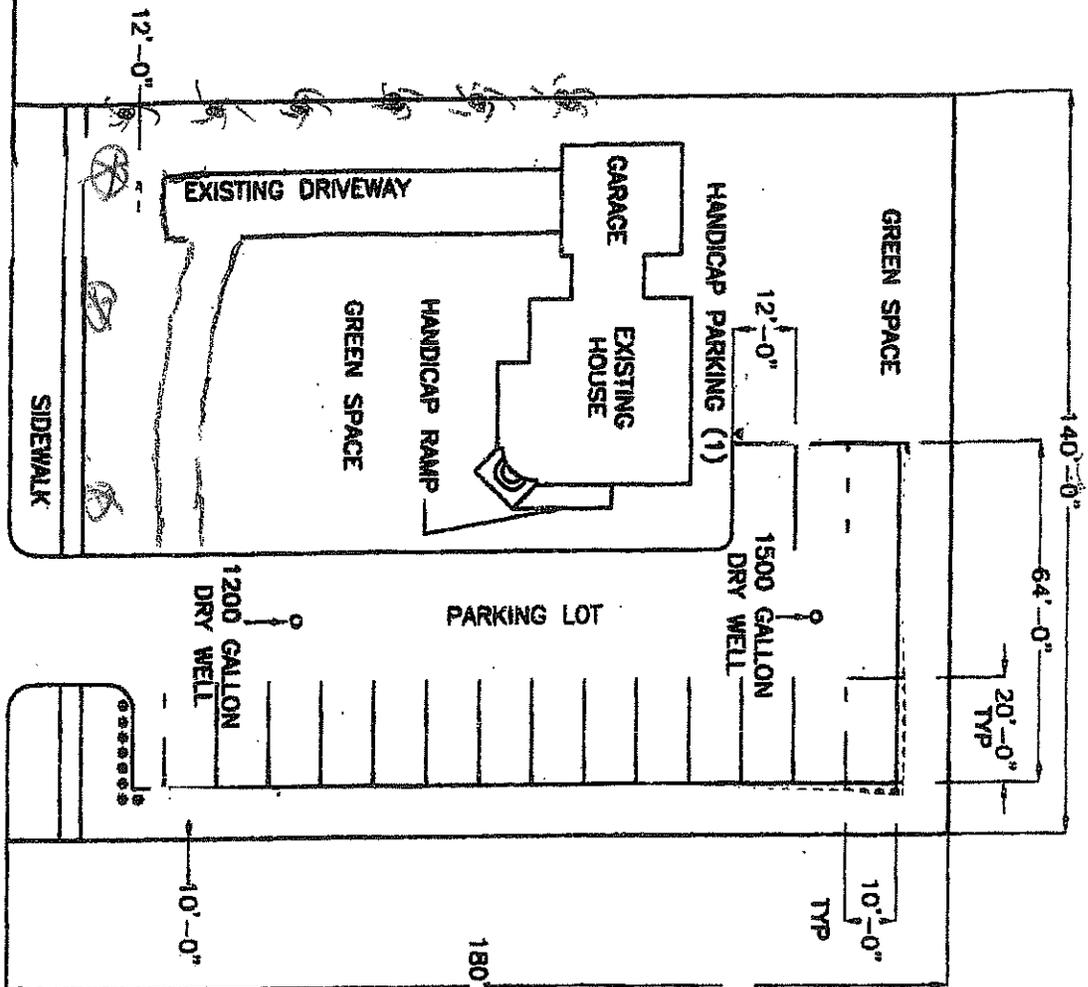
PROPERTY SQ. FOOTAGE=25,200
 HEIGHT OF HOUSE: 1 1/2 STORIES

REQUIRED LANDSCAPING PER THE ORDINANCE
 * INDICATES HEDGES/SHRUBS
 3' ON CENTER, 24" IN HEIGHT

: INDICATES BUFFER YARD

* INDICATES EVERGREENS

Filed in City's Office
 NOV 4 2015
 JOHN JONES & SONS
 CIVIL ENGINEERS, SOUTH BEND, IN



EDISON RD.

01	PROPOSED SITE PLAN 3055 EDISON RD.	10/28/04
REV.	DESCRIPTION	DATE

TAX KEY:	DATE:
24-1001-0442	
APPROVAL:	DATE:
XXXXX	

SONORA PROPERTIES OF IND. LLC
 SCALE = 1/8"=1'-0"
 SHEET 1 OF 1

name_1	mailingadd	mailingcit
CSP PROPERTIES LLC	58217 Sommerset Place Blvd	Goshen
HYER REBECCA J & ALBERTSON DENNIS K JOINT TENAN	3021 Kettering Dr	South Bend
HARLAN MARY V LIVING TRUST		
MARY V HARLAN RETAINS A LIFE ESTATE	9032 Summer Club Road	Charlotte
LARGIN VERNITA E	1512 HASS DR	South Bend
MOORE GEOFFREY & SARI	1511 Hass Dr	South Bend
SONORA PROPERTIES OF INDIANA LLC	525 N 17TH	Niles
SIMPSON YVETTE	1335 Brummitt Ln	South Bend
KING COURTNEY L	3014 Kettering Dr	South Bend
BENSON TIMOTHY S & LAUREN A	3022 Kettering Dr	South Bend
FORNANGO RICHARD & MARY KIM	3104 Kettering Dr	South Bend
TRAN PHUONG T	1336 Brummit Ln	South Bend
HAWKINS JUDITH A & CHAPLA DENNIS C	18040 Bariger Pl	South Bend
SELLERS HARLEY GUS	77-6409 Kilohana St	Kailua Kona
LAKESIDE GROUP INC	2300 Fairway Dr.	Long Beach
GENETTI JOHN A AND KARIN A	41748 N Iron Horse Dr	Anthem
PLOUGHE DAVID	1326 Brummit Lane	South Bend
BUDD THOMAS & BUDD SANDY J	12076 Lupine Ln	Granger
GATES DAVID L & NANCY A	3112 Kettering Dr	South Bend
SOHRAB ALIAKBAR & SARAMAGHAN NASTARAN	1332 Brummitt Ln	South Bend
BLAUVELT WILLIAM J	17631 Cobblestone Ct	South Bend
WATERFORD GLEN LLC	3012 Edison Rd	South Bend
LIGHTHOUSE BAPTIST CHURCH INCORPORATED	3050 Edison Rd	South Bend
GREAT RETURNS LLC	15 W 219 Conkord St ste 600	Elmhurst
EVANGELICAL COVENANT CHURCH OF S B	3025 E Edison Rd	South Bend
EVANGELICAL COVENANT CHURCH OF S B	3025 E Edison Rd	South Bend
CITY OF S BEND PUBLIC PARKS	321 E Walter St	South Bend

mailingsta	mailingzip
IN	46528
IN	46635

NC	28277
IN	46635
IN	46637
MI	49120
IN	46615
IN	46635
IN	46635
IN	46635
IN	46615
IN	46637
HI	96740
IN	46360
AZ	85086
IN	46615
IN	46530
IN	46635
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IN	46615
IL	60126
IN	46635
IN	46615
IN	46614

OFFICE OF THE CITY CLERK

TO: AREA PLAN COMMISSION

DATE: November 10, 2015

At its meeting held on November 9th, 2015 the Common Council of the City of South Bend referred to you for review and recommendation the following item:

72-15 A BILL AMENDING THE ZONING ORDINANCE AND
REQUESTING A SPECIAL EXCEPTION FOR PROPERTY
LOCATED AT 3055 EDISON ROAD, COUNCILMANIC DISTRICT
NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

If I can be of any assistance to you in this matter, please do not hesitate to contact this office.

CITY CLERK
JOHN VOORDE

Janice Talboom
DEPUTY



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571
Wednesday, January 20, 2016

The Honorable Council of the City of South Bend
4th Floor, County-City Building
South Bend, IN 46601

RE: A proposed ordinance of the Department of Redevelopment of the City of South Bend to zone from O Office District to LI Light Industrial District, properties located at 5603 F.J. Nimitz Parkway, the Southwest corner of F.J. Nimitz Parkway and Moreau Court, and property on the west side of Moreau Court approximately 800 feet South of F.J. Nimitz Parkway, City of South Bend - APC# 2770-15.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Department of Redevelopment of the City of South Bend was legally advertised on Thursday, January 07, 2016 and that the Area Plan Commission at its public hearing on Tuesday, January 19, 2016 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the proposed ordinance of the Department of Redevelopment of the City of South Bend to zone from O Office District to LI Light Industrial District, properties located at 5603 F.J. Nimitz Parkway, the Southwest corner of F.J. Nimitz Parkway and Moreau Court, and property on the west side of Moreau Court approximately 800 feet South of F.J. Nimitz Parkway, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to a written commitment that would exclude uses not compatible with the airport. The surrounding properties are a mix of commercial and industrial uses. Proximity to the interstate makes these sites ideal for industrial development and will allow the properties to be more effectively marketed to light industrial users.

PLEASE NOTE that the Ordinance has been amended by the petitioner and is different than that used for the Common Council's first reading. The amended Ordinance was legally advertised and heard by the Area Plan Commission.

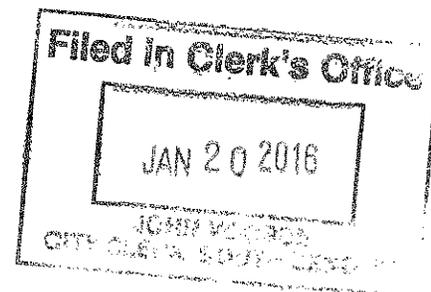
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Department of Redevelopment of the City of South Bend
Danch, Harner & Associates



Staff Report

1/8/2016

APC # 2770-15
Owner: Department of Redevelopment of the City of South Bend
Location: 5603 F.J. Nimtz Parkway, the Southwest corner of F.J. Nimtz Parkway and Moreau Court, and property on the west side of Moreau Court approximately 800 feet South of F.J. Nimtz Parkway
Jurisdiction: City of South Bend
Public Hearing Date: 1/19/2016

Requested Action:

The petitioner is requesting a zone change from O Office District to LI Light Industrial District.

Land Uses and Zoning:

- On site: On site is vacant land.
- North: To the north across F.J. Nimtz Parkway are vacant lots zoned LI Light Industrial District and a former police station located along I-80.
- East: To the east across Moreau Court are soccer fields zoned LI Light Industrial District.
- South: To the south is an office building zoned O Office District.
- West: To the west is a banquet hall and an office building zoned O Office District and a golf course zoned LI Light Industrial District.

District Uses and Development Standards:

The LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts.

Site Plan Description:

The site plan shows no specific development proposals.

Zoning and Land Use History And Trends:

In 1990, 489 acres bound by Olive Road on the west, the regional airport on the east, U.S. 20 on the south and old Cleveland on the north was rezoned from "A" Residential to "D" Light Industrial. In 2004, with the passing of the new zoning map, the petition area was rezoned from "I" Light Industrial to O Office District. A large area to the north and to the east was rezoned from Light Industrial to O Office at that time as well. In 2005, seven parcels on the north and west side of Nimtz and Crescent Circle were rezoned from O

Staff Report

1/8/2016

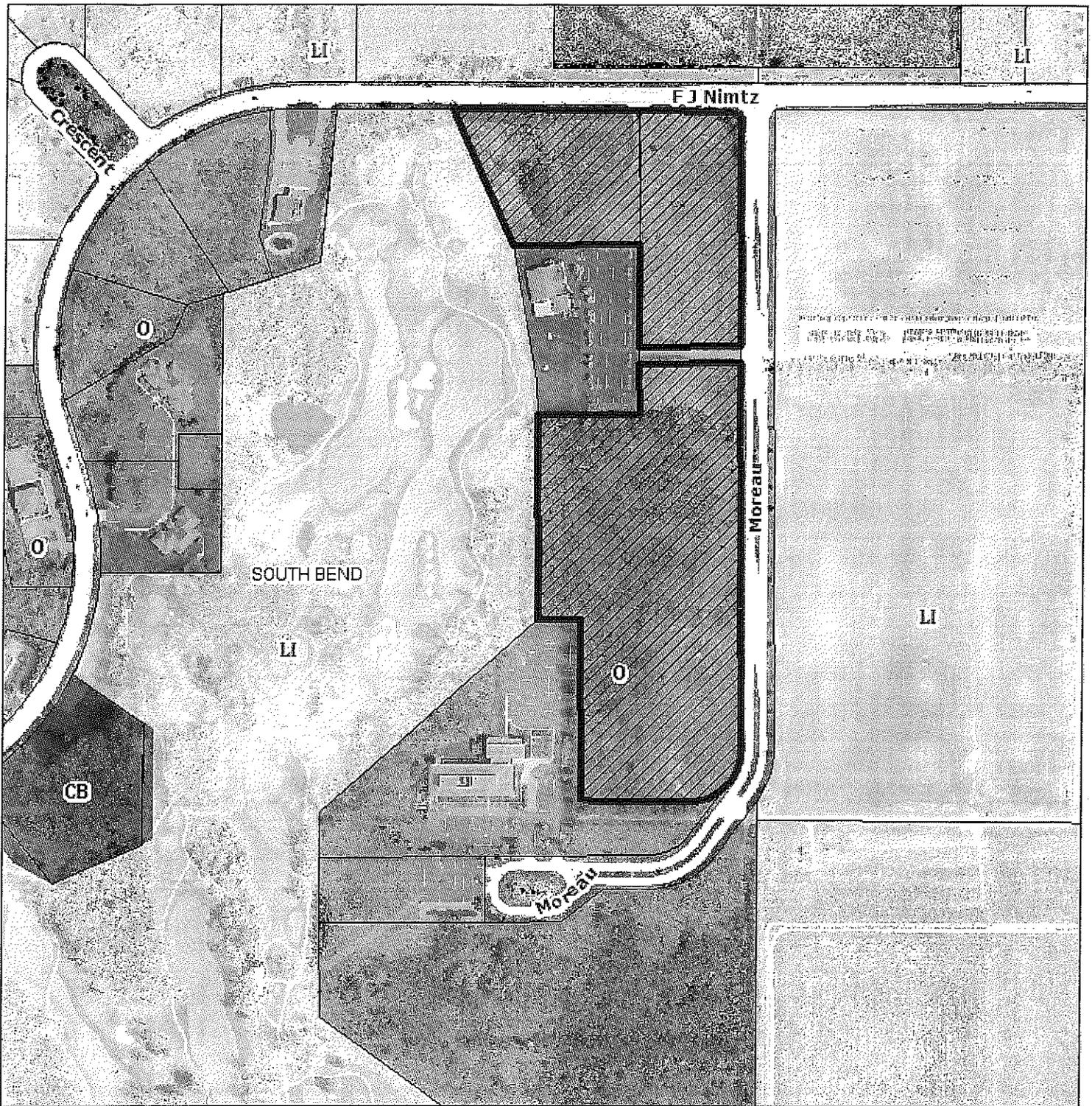
The staff has no additional comments.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation.

Analysis:

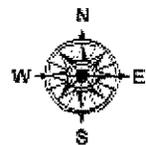
The surrounding properties are a mix of commercial and industrial uses. Proximity to the interstate makes these sites ideal for industrial development and will allow the properties to be more effectively marketed to light industrial users.



**Rezoning from: CITY OF SOUTH BEND
"O" OFFICE DISTRICT to
"LI" LIGHT INDUSTRIAL DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "O" OFFICE DISTRICT
-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 400 feet

APC # 2770-15



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

January 20, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: ~~Bill #85-15~~ ^{#81-15 AA}
Rezoning: 5603 F.J. Nimitz Court (Dept. of Redevelopment)

Dear Council Members:

The Area Plan Commission held a public hearing on January 19, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 25, 2016.

Ordinance & Petition Amendments:

The following changes have been made to the above referenced petition:

Ordinance:

- 1.) The description of the property was modified in the title of the ordinance to more accurately describe the subject property.

A Copy of the revised Ordinance is attached.

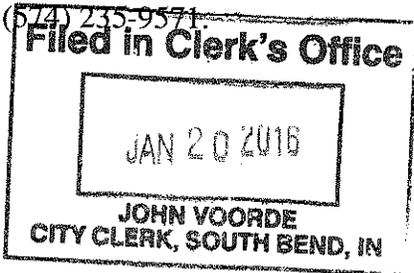
Public Hearing Summary:

There was one person that spoke in opposition to the proposed rezoning. Kerianne Linn spoke on behalf of the St. Joseph County Airport Authority. They expressed concern about the location and uses that the LI Light Industrial zoning district would allow, such as but not limited to, child care center, school, or artificial pond, stating that such uses would not be conducive with the Federal Aviation Administration guidelines on compatible land uses by airports. There was no one else present to speak in favor of or in opposition to the petition.

If you have any further questions, please feel free to contact me at (574) 235-9571

Sincerely,

Matthew P. Chappuies, Planner



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 5603 F. J. NIMTZ PARKWAY, THE SOUTHWEST CORNER OF F. J. NIMTZ PARKWAY AND MOREAU COURT AND PROPERTY ON THE WEST SIDE OF MOREAU COURT APPROXIMATELY 800 FEET SOUTH OF F. J. NIMTZ PARKWAY, SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

PETITIONERS DESIRE TO REZONE THE PROPERTIES FROM O OFFICE DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT TO ALLOW FOR FUTURE INDUSTRIAL DEVELOPMENT OF VARIOUS TYPES FOR THE BLACKTHORN CORPORATE OFFICE PARK CAMPUS.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, as amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A part of the Southwest Quarter of Section 20, Township 38 North, Range 2 East, German Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots #1BB and #1CC of the Plat of "Blackthorn Corporate Office Park Minor #3, First Replat" and Lot # 1 of the Plat of "Blackthorn Corporate Office Park Minor #9" both as recorded in the records of the St. Joseph County, Indiana Recorder's Office. Containing 25.25 Acres more or less. Subject to all legal highways and easements of record,

be and the same is hereby established as *LI Light Industrial District.*

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

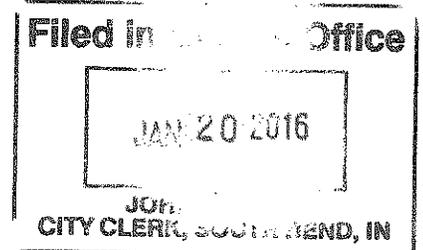
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____
day of _____, 20____, at _____ o'clock _____.m.

City Clerk

Approved and signed by me on the _____ day of _____,
20____, at _____ o'clock _____.m.

Mayor of the City of South Bend, Indiana



DHIA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

Honorable Members of the City of
South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

December 3, 2015

RE: Rezoning Petition for properties located at 5603 F J Nimtz Parkway, the Southwest corner of F J Nimtz Parkway and Moreau Court and property North of and adjacent to 3575 Moreau Court, South Bend, Indiana:

Dear Council Members:

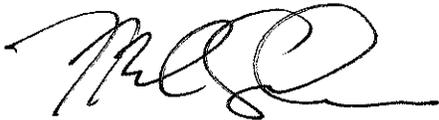
Our clients are requesting the approval of a Rezoning Petition for their properties located at 5603 F J Nimtz Parkway, the Southwest corner of F J Nimtz Parkway and Moreau Court and property North of and adjacent to 3575 Moreau Court, South Bend, Indiana.

This requested Rezoning would allow for the approval of an LI Light Industrial zoning classification to allow for future industrial development of various types for the Blackthorn Corporate Office Park Campus.

Our clients believe the uses proposed for this portion of the Blackthorn Corporate Office Park Campus would be compatible with the surrounding mixed office, commercial and industrial uses in the area.

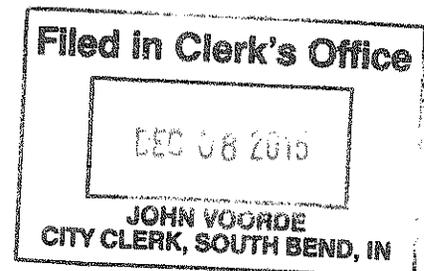
If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,



Michael J. Danch
President
Danch, Harner & Associates

File No. 15240 "C" Md.



OFFICE OF THE CITY CLERK

TO: AREA PLAN COMMISSION

DATE: December 15, 2015

At its meeting held on December 14th, 2015 the Common Council of the City of South Bend referred to you for review and recommendation the following item:

81-15 A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 5603 F J NIMTZ PARKWAY, THE SOUTHWEST CORNER OF F J NIMTZ PARKWAY AND MOREAU COURT AND PROPERTY NORTH OF AND ADJACENT TO 3575 MOREAU COURT, SOUTH BEND, INDIANA COUNCILMANIC DISTRICT NO 1 IN THE CITY OF SOUTH BEND, INDIANA

If I can be of any assistance to you in this matter, please do not hesitate to contact this office.

CITY CLERK
JOHN VOORDE

Janice Talboom
DEPUTY

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 5603 F J NIMTZ PARKWAY, THE SOUTHWEST CORNER OF F J NIMTZ PARKWAY AND MOREAU COURT AND PROPERTY NORTH OF AND ADJACENT TO 3575 MOREAU COURT, SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

PETITIONERS DESIRE TO REZONE THE PROPERTIES FROM O OFFICE DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT TO ALLOW FOR FUTURE INDUSTRIAL DEVELOPMENT OF VARIOUS TYPES FOR THE BLACKTHORN CORPORATE OFFICE PARK CAMPUS.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

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A part of the Southwest Quarter of Section 20, Township 38 North, Range 2 East, German Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots #1BB and #1CC of the Plat of "Blackthorn Corporate Office Park Minor #3, First Replat" and Lot # 1 of the Plat of "Blackthorn Corporate Office Park Minor #9" both as recorded in the records of the St. Joseph County, Indiana Recorder's Office. Containing 25.25 Acres more or less.

Subject to all legal highways and easements of record,

be and the same is hereby established as *LI Light Industrial District*.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

City Clerk

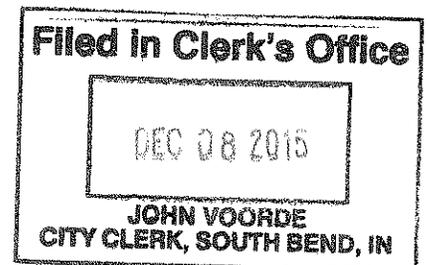
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 20____, at _____ o'clock _____.m.

City Clerk

Approved and signed by me on the _____ day of _____, 20____, at _____ o'clock _____.m.

Mayor of the City of South Bend, Indiana

1st READING 12-14-15
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED A.P. - 12-14-15
PASSED



PETITION TO REZONE
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The subject property is located at:

Properties located at 5603 F J Nimitz Parkway, the Southwest corner of F J Nimitz Parkway and Moreau Court and property North of and adjacent to 3575 Moreau Court, South Bend, Indiana.

2) The property Tax Key Number(s) is/are:

25-1018-062401 25-1018-062410 25-1018-062411

3) Name and address of property owner(s) of the petition site:

Department of Redevelopment of the City of South Bend
C/O
City of South Bend- Department of Community Investment
Attn: Mr. David Relos
14th Floor County-City Building
227 West Jefferson Blvd.
South Bend, Indiana 46601
574-235-9371, DRelos@southbendin.gov

4) Name and address of contingent purchaser(s), if applicable:

N/A
E-Mail Address N/A

5) It is desired and requested that this property be rezoned:

From: O Office District

To: LI Light Industrial District

6) This rezoning is requested to allow the following use(s):

To allow Industrial uses that will be compatible with the Blackthorn Corporate Office Park Campus.

Attached, and made a part of this PETITION, is:

- (a) a copy of a legal description of the property;
- (b) a list of names and addresses of all property owners, and the tax key numbers for all properties within 300 feet of the petition property;

CONTACT PERSON:

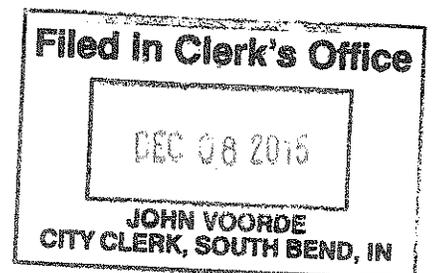
Name: Danch, Harner & Associates, Inc.
Address: 1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003 mdanch@danchharner.com

Signature(s) of All Property owner(s), or
signature of Attorney for all property owner(s):



David Relos-

For the Depart of Redevelopment for the City of South Bend



Property Owners
Within 300 Feet

St. Joseph County Airport Authority
4477 Progress Dr
South Bend, IN. 46628

St. Joseph County Airport Authority
4535 LincolnWay W
South Bend, IN. 46628

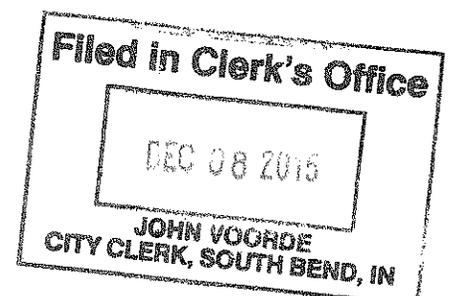
Department of Redevelopment
227 W Jefferson
South Bend, IN. 46601

3575 Moreau LLC
1205 Frank
Garden City, New York 11530

St. Joseph County Airport Authority
C/O Mitchell Heppenheimer
South Bend, IN. 46628

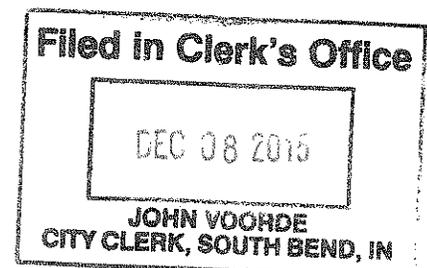
Blue Herron
5540 F J Nimitz
South Bend, IN. 46628

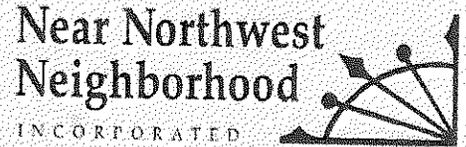
Acquisitions Group LLC
6100 F J Nimitz
South Bend, IN. 46628



LEGAL DESCRIPTION

A part of the Southwest Quarter of Section 20, Township 38 North, Range 2 East, German Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots #1BB and #1CC of the Plat of "Blackthorn Corporate Office Park Minor #3, First Replat" and Lot # 1 of the Plat of "Blackthorn Corporate Office Park Minor #9" both as recorded in the records of the St. Joseph County, Indiana Recorder's Office.
Containing 25.25 Acres more or less.
Subject to all legal highways and easements of record,





January 11, 2016

To the City of South Bend Clerk and Common Council:

On behalf of the petitioner, Kimberly Bonenfant-Juwong, we are requesting a continuance for the petition to vacate the first E/W Alley North of California Ave. between Sherman Ave. and the north/south Alley.

We are working on behalf of the petitioner, and surrounding neighbors to forward this request. None of the parties involved understood that the Board of Public Works required an access agreement to be provided with the three contiguous lot owners.

We request a waiver from the 30 day action period by the Council regarding this petition and seek a continuance until the next Common Council meeting dated January 25, 2016.

We will continue to work with the City to supply the requested access agreement in order to put forward the petition in front of the Council at that date.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Schuth", is written over a horizontal line.

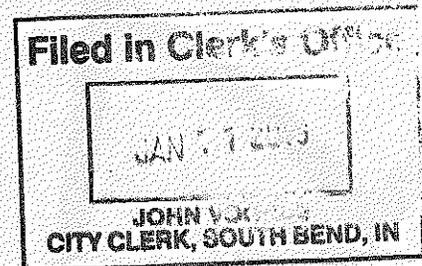
Kathy Schuth, Executive Director

On behalf of:
Kimberly Bonenfant-Juwong
1015 California Ave
South Bend, IN 46616

1007
PORTAGE AVE.
SOUTH BEND
INDIANA
46616

P.O. Box 1132
SOUTH BEND
INDIANA
46624

TEL: 574-232-9182
FAX 574-232-1171



November 12, 2015

To Whom It May Concern:

I, and my neighboring homeowners and landowners are requesting the vacation of the following alley:

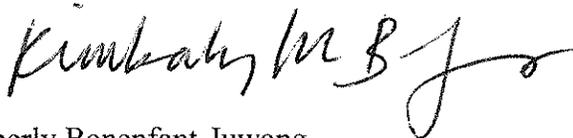
The first east/west alley north of Sherman Ave. from the east right of way line of Sherman Ave. to the first north/south alley for a distance of 128 feet and a width of 10 feet.

We wish to close the alley in order to repurpose an unused alley, increase vehicular safety, to improve the quality of life in the neighborhood, and to address public safety concerns.

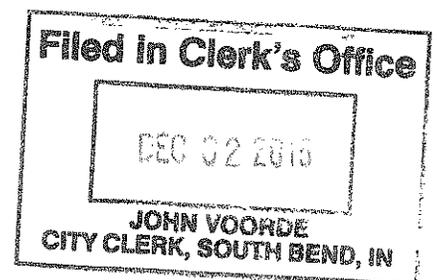
This alley is an east/west cross-alley which has not been maintained with either asphalt or gravel. It is currently grass area, with neighbors maintaining the area, but not able to use the area. Vehicles could not safely access the alley in its current condition. The vacation will additionally help to contain trash and provide ownership of an unused alley easement.

Thank you for your consideration.

Sincerely,



Kimberly Bonenfant-Juwong
1015 California Ave
South Bend, IN 46616



ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

FIRST EW ALLEY NORTH OF CALIFORNIA AVE. BETWEEN SHERMAN AVE.
AND THE NORTH/SOUTH ALLEY

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDERED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

THE FIRST EAST/WEST ALLEY NORTH OF CALIFORNIA AVENUE FROM THE EAST RIGHT OF WAY LINE OF SHERMAN AVENUE TO THE FIRST NORTH/SOUTH ALLEY FOR A DISTANCE OF 128 FEET AND A WIDTH OF 10 FEET. BEING A PART OF WARDS SUBDIVISION AND A PART OF MUESSEL'S 1ST ADDITION TO THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

018-1085-3608
018-1085-3609
018-1085-3610
018-1085-3611
018-1085-3597

SECTION IV. The purpose of the vacation of the real property is

to repurpose an unused alley, increase vehicular safety, to improve the quality of life and to address public safety concerns.

This is an east/west cross alley which has not been maintained with either asphalt or gravel. It is currently grass area, with neighbors maintaining. Vehicles could not safely access the alley in its current condition. The vacation will additionally help to contain trash and provide ownership of an unused alley easement.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

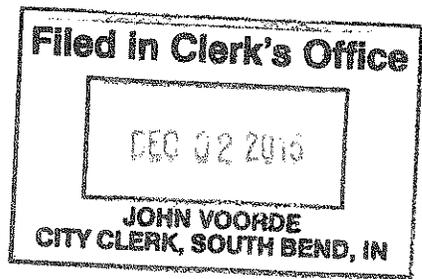
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock ____m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock ____m.

Mayor, City of South Bend, Indiana

1st READING 12-14-15
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



**PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
(STREETS/ALLEYS)**

TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA

DATE: Nov. 30, 2015

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

the first e/w Alley North of California Ave. between
Sherman Ave. and the N/S Alley

B. THE STREET DESCRIBED AS:

NAME (signed & printed)	ADDRESS	LOT #
<u>Kimberly M. J. Junong</u> Kimberly M. Bonenfant - Junong	<u>1015 California Ave South Bend,</u> IN 46616	_____
<u>Jon Kawa Shields</u>	<u>1017 California Ave South Bend</u> IN 46616	_____
<u>Jon K Shields</u>		_____
<u>Rachel Jonker Rachel Y Jonker</u>	<u>1023 California Ave; South</u> Bend, IN 46616	_____
<u>Kathy Schuth Sr</u> Near Northwest Neighborhood, Inc	<u>P.O. Box 1132, South Bend, IN</u> 46628	<u>018-1085-3597</u>

CONTACT PERSON (S)

NAME: Kimberly Bonenfant - Junong

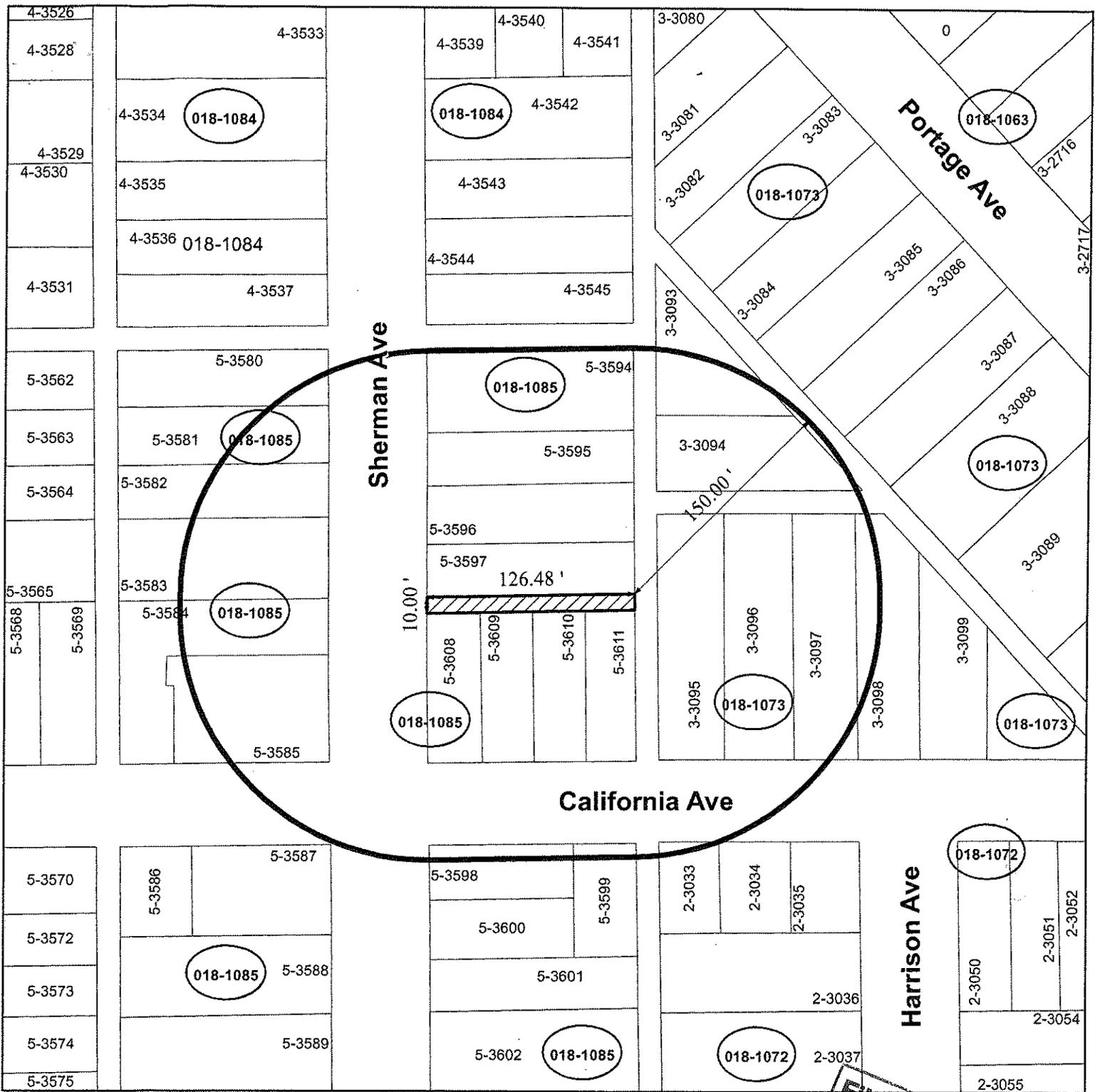
ADDRESS: 1015 California Ave
South Bend, IN 46616

PHONE: 574 232-8192 (2015)

RETURN TO:

OFFICE OF THE CITY CLERK
JOHN VOORDE, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221

Filed in Clerk's Office
DEC 02 2015
JOHN VOORDE
CITY CLERK, SOUTH BEND, IN



LEGAL DESCRIPTION

The alley to be vacated is the first East/West alley North of California Avenue from the East right of way line of Sherman Avenue to the first North/South alley for a distance of 128 feet and a width of 10 feet. Being a part of Wards Subdivision and a part of Muessel's 1st Addition to the City of South Bend, Portage Township, St. Joseph County, Indiana.

Filed in Clerk's Office
 DEC 02 2019
 JOHN W. BOND
 CITY CLERK, SOUTH BEND, IN

✓ 018-1085-3601	918 SHERMAN AVE	South Bend	IN	46601	SCHNEIDER HOMES LLC	242 Hale St	San Francisco CA	94134
* 018-1085-3582	1013 SHERMAN AVE	South Bend	IN	46616	LANG TERRENCE E SHIELDS ANDREW P AND JON KARA SYL VESTER JOHNSON	17770 Tanager Ln	South Bend	IN 46635
✓ 018-1085-3610	1017 CALIFORNIA AVE	South Bend	IN	46616	BONENFANT FRANCIS AND JUWONG KIMBERLY	1017 California	South Bend	IN 46616
018-1085-3611	1015 CALIFORNIA AVE	South Bend	IN	46628		1015 California	South Bend	IN 46616
* 018-1085-3584	1007 SHERMAN AVE	South Bend	IN	46616	REEVES STEVEN	1007 SHERMAN	South Bend	IN 46616
✓ 018-1073-3085	1039 PORTAGE AVE	South Bend	IN	46616	TIEDGE BRYN	1039 Portage Ave	South Bend	IN 46616
✓ 018-1085-3600	920 SHERMAN AVE	South Bend	IN	46601	AVGERINOS NICHOLAS AKA NICK AVGERIONS	1021 N Lafayette	South Bend	IN 46617
✓ 018-1073-3084	1043 PORTAGE AVE	South Bend	IN	46616	WILLIAMS SHARON ANN & WILLE MAE LIFE ESTATE W/R/T/S	2814 Rock Maple Ct	South Bend	IN 46628
✓ 018-1085-3588	917 SHERMAN AVE	South Bend	IN	46616	ALLEN DAVID A & BONNIE J	29340 Lynn St	New Carlisle	IN 46552
* 018-1085-3596	1012 SHERMAN AVE	South Bend	IN	46616	MEZO MANUEL	1012 Sherman	South Bend	IN 46616
✓ 018-1073-3087	1025 PORTAGE AVE	South Bend	IN	46616	KAMAS NICOLAS D AND JAMES S JTW/FROS	1025 Portage Av	South Bend	IN 46616

Filed in Clerk's Office

DEC 32 2015

**JOHN VOORDE
CITY CLERK, SOUTH BEND, IN**

ParcelID	County	PropAddress	PropCity	PropZIP	OwnerName	OwnerAddress	OwnerCity	Own ZIP
✓ 018-1084-3537		1021 SHERMAN AVE	South Bend	IN 46616	WILLIAMS ALISA D & ANTONIA 2505 Prast Blvd BINGHAM MARCELINE Y	South Bend	IN	46628
✓ 018-1084-3545		1022 SHERMAN AVE	South Bend	IN 46616	SEE TRANSFER NOTE	1022 Sherman	South Bend	IN 46616
◦ 018-1073-3093		1043 PORTAGE AVE	South Bend	IN 46616	NEAR NORTHWEST NEIGHBORHOOD INC.	P. o. Box 1132	South Bend	IN 46624
✓ 018-1073-3086		1035 PORTAGE AVE	South Bend	IN 46616	NITZ SUSAN M	1035 Portage Av	South Bend	IN 46616
◦ 018-1085-3587		919 SHERMAN AVE	South Bend	IN 46616	SANCHEZ GUSTAVO ONOFRE & OSORIO CRISTINA VIVAR	919 Sherman Ave	South Bend	IN 46616
◦ 018-1085-3598		924 SHERMAN AVE	South Bend	IN 46616	ALEXANDER CHRIS	924 Sherman	South Bend	IN 46616
◦ 018-1085-3599		1016 CALIFORNIA AVE	South Bend	IN 46616	MCGHEE JEAN ELLA	1010 California Ave	South Bend	IN 46616
◦ 018-1072-3033		1010 CALIFORNIA AVE	South Bend	IN 46628	MCGHEE JEAN	1010 California Ave	South Bend	IN 46628
✓ 018-1072-3034		1008 CALIFORNIA AVE	South Bend	IN 46628	EQUITY TRUST COMPANY DBA STERLING TRUST	1101 Wooded Acres	Waco	TX 76710
✓ 018-1072-3035		1004 CALIFORNIA AVE	South Bend	IN 46628	ADMINISTRATOR OF VETERANS AFFAIRS 4-14790	575 N Pennsylvania St	Indianapolis	IN 46204
✓ 018-1085-3609		1019 CALIFORNIA AVE	South Bend	IN 46616	MCFARLANE CURTIS	1019 California Ave	South Bend	IN 46616
✓ 018-1072-3036		917 HARRISON ST	South Bend	IN 46616	CANTU ROSIE P	917 Harrison Ave	South Bend	IN 46616

‡ 018-1085-3585	1003 SHERMAN AVE	South Bend	IN	46616	PAUL KUNAL & PITTSLEY DELLLAH	1003 Sherman	South Bend	IN	46616
² 018-1085-3608	1023 CALIFORNIA AVE	South Bend	IN	46616	JONKER RACHEL L	1023 California	South Bend	IN	46616
* 018-1085-3595	1014 SHERMAN AVE	South Bend	IN	46616	SANCHEZ JUAN C	1014 Sherman	South Bend	IN	46616
ˆ 018-1073-3094	1035 PORTAGE AVE	South Bend	IN	46616	SULLIVAN GARY	P O Box 10144	South Bend	IN	46680
* 018-1085-3581	1015 SHERMAN AVE	South Bend	IN	46616	AEQUITAS I LLC	1644 East 1100 South	Springville	UT	84663
ˆ 018-1085-3597	1008 SHERMAN AVE	South Bend	IN	46616	NEAR NORTHWEST NEIGHBORHOOD INC	PO Box 1132	South Bend	IN	46624
‡ 018-1085-3583	1011 SHERMAN AVE	South Bend	IN	46616	ZWIERYNSKI MARY ANN	1011 Sherman Street	South Bend	IN	46616
* 018-1073-3095	1009 CALIFORNIA AVE	South Bend	IN	46616	NEAR NORTHWEST NEIGHBORHOOD INC	PO Box 1132	South Bend	IN	46624
* 018-1073-3096	1005 CALIFORNIA AVE	South Bend	IN	46616	NEAR NORTHWEST NEIGHBORHOOD INC	PO Box 1132	South Bend	IN	46624
* 018-1073-3097	1001 CALIFORNIA AVE	SOUTH BEND	IN	46616	SYLVESTER MONIQUE	1001 CALIFORNIA	South Bend	IN	46616
* 018-1073-3098	921 CALIFORNIA AVE	South Bend	IN	46616	WELLBORN GERALD	921 California Ave	South Bend	IN	46616
* 018-1085-3580	1017 SHERMAN AVE	South Bend	IN	46616	NET WORKS LLC	404 E Main St	Niles	MI	49120
ˆ 018-1085-3594	1018 SHERMAN AVE	South Bend	IN	46628	BAND R INVESTMENT PROPERTIES LLC	611 S Main	Mishawaka	IN	46544



PETITIONER

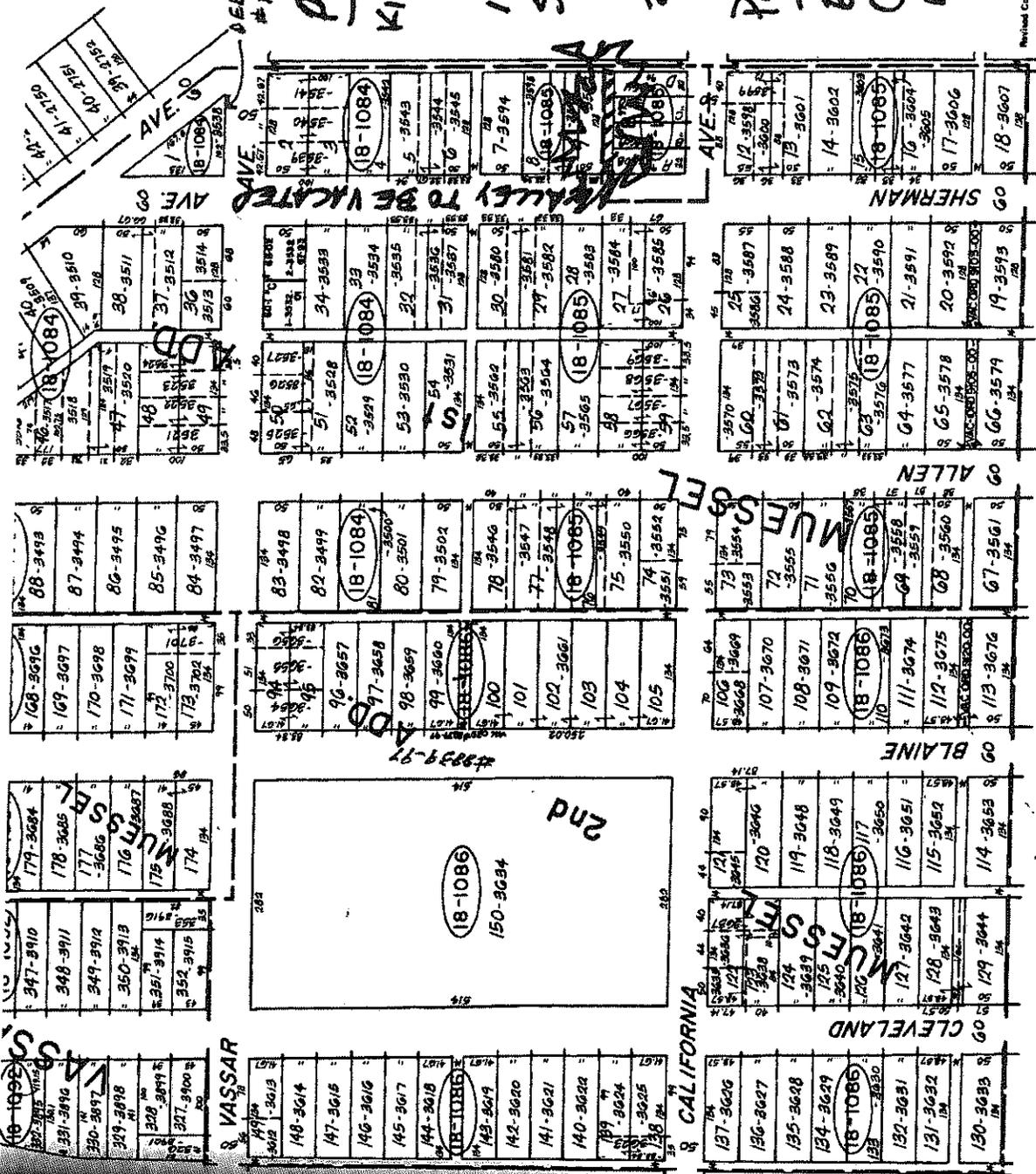
KIMBERLY BONENFANT
JUVONNA

1015 CALIFORNIA AV
SOUTH BEND, IN 46616

269-599-2141

PURPOSE

ENLARGE LOTS
(TO SOUTH) ALLEY
NOT BEING USED





PORTAGE TOWNSHIP
1 in = 89 ft



1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX: 574/ 235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
BOARD OF PUBLIC WORKS

September 22, 2015

Ms. Kimberly Bonenfant-Juwong
1015 California Ave
South Bend, IN 46616

RE: Alley Vacation – First E/W Alley North of California Ave. between Sherman Ave. and the North/South Alley (Preliminary Review)

Dear Ms. Bonenfant-Juwong:

The Board of Public Works, at its September 22, 2015, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation **would** make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation **would** hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of half the alley from California to N/S Alley, not all the way to Portage Ave. Approval is also subject to an access agreement with the three (3) contiguous lot owners.

Please contact Tony Molnar at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,

Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office

GARY A. GILOT

DAVID P. RELOS

KATHRYN E. ROOS

ELIZABETH A. MARADIK

BRIAN J. PAWLOWSKI



**INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE SENT: 8/28/2015

TO: ✓ Pete Kaminski, Street Department
✓ Mike Bronstetter, Solid Waste
✓ Corbitt Kerr, Engineering Department
Jitin Kain, Community Investment
✓ Federico Rodriguez, Fire Department
✓ Larry Magliozzi, Area Plan Commission (lmagliz@co.st-joseph.in.us or 235-9813 fax)
✓ Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk

FROM:

SUBJECT: **REQUEST FOR RECOMMENDATION – ALLEY VACATION**

APPLICANT: **Kimberly Bonenfant-Juwong**

LOCATION: **First E/W Alley North of California Ave. between Sherman and Portage Ave**

DATE DUE: **September 1, 2015**

FAX OR E-MAIL TO: **235-9171 / lmartin@southbendin.gov**

**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:**

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

By _____ Date _____

Elizabeth Horvath

From: Patrick C. Kerr
Sent: Monday, August 31, 2015 9:50 AM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Kimberly Bonenfant-Juwong

No objection.

From: Elizabeth Horvath
Sent: Friday, August 28, 2015 1:11 PM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Kimberly Bonenfant-Juwong

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov





INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 8/28/2015

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Corbitt Kerr, Engineering Department
Jltin Kain, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmagloz@co.st-joseph.in.us or 235-9813 fax)
Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk

FROM: Linda M. Martin, Clerk

SUBJECT: **REQUEST FOR RECOMMENDATION – ALLEY VACATION**

APPLICANT: **Kimberly Bonenfant-Juwong**

LOCATION: **First EW Alley North of California Ave. between Sherman and Portage Ave**

DATE DUE: **September 1, 2015**

FAX OR E-MAIL TO: **235-9171 / lmartin@southbend.in.gov**

PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:

1. The vacation ~~would~~ would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation ~~would~~ would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation ~~would~~ would not hinder the public's access to a church, school or other public building or place.
4. The vacation ~~would~~ would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

By Mike Bronstetter Date 8-31-15

Elizabeth Horvath

From: Eugene Eyster
Sent: Monday, August 31, 2015 3:12 PM
To: Elizabeth Horvath; Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi
Subject: RE: Alley Vacation - Kimberly Bonenfant-Juwong

Ms. Horvath,

The Police Department would have no objection to the approval of this request.

Lt. Eyster

From: Elizabeth Horvath
Sent: Friday, August 28, 2015 1:11 PM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Kimberly Bonenfant-Juwong

Please provide your recommendations.

Lizzy Horvath

Secretary

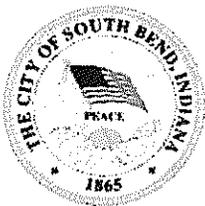
Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov



Elizabeth Horvath

From: Federico Rodriguez
Sent: Monday, August 31, 2015 11:30 AM
To: Elizabeth Horvath; Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Larry Magliozi; Eugene Eyster
Subject: RE: Alley Vacation - Kimberly Bonenfant-Juwong

unfavorable: Reason #2 The vacation would make access to the lands of the aggrieved persons by means of public way difficult or inconvenient for fire accessibility.



Federico (Chico) Rodriguez
Fire Marshal
Office: (574) 235-7564
Mobile: (574) 876-6734
1222 S. Michigan Street
City of South Bend, In 46601
frodrigu@southbendin.gov

From: Elizabeth Horvath
Sent: Friday, August 28, 2015 1:11 PM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Kimberly Bonenfant-Juwong

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov





INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 8/28/2015

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Corbitt Kerr, Engineering Department
Jitin Kain, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmagliz@co.st-joseph.in.us or 235-9813 fax)
Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk

FROM: _____

SUBJECT: **REQUEST FOR RECOMMENDATION – ALLEY VACATION**

APPLICANT: Kimberly Bonenfant-Juwong

LOCATION: First E/W Alley North of California Ave. between Sherman and Portage Ave

DATE DUE: September 1, 2015

FAX OR E-MAIL TO: 235-9171 / lmartin@southbendin.gov

**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:**

1. The vacation ~~would~~/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/~~would not~~ make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation ~~would~~/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/~~would not~~ hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

The alley provides access to 3 adjacent lots. The vacation should be subject to consent from the 3 contiguous lot owners.

By Angela Smith Date 9-8-15
Angela Smith - Area Plan Commission

1200N County-City Building
227 W. Jefferson Blvd.
South Bend, Indiana 46601-1830



Bill No. 02-16

Phone 574/235-9216
TTY 574/235-5567
Fax 574/235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

January 6, 2016

Mr. Tim Scott
President, South Bend Common Council
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

Re: Ordinance Establishing an Unsafe Building Fund No. 219

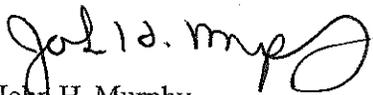
Dear Council President Scott:

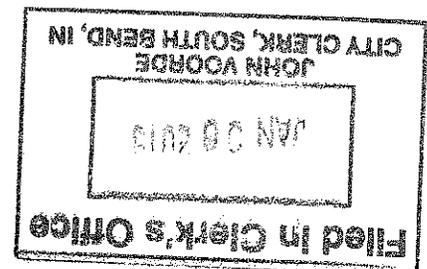
Attached find a bill for consideration by the Common Council of the City of South Bend to establish a non-reverting Unsafe Building Fund No. 219 and to transfer certain forfeited performance bond revenue to this new fund. The City of South Bend Legal Department has determined that certain revenue and expenditures in connection with the Unsafe Building Law must be accounted for in a separate fund.

This bill is respectively submitted for 1st reading filing with the Common Council on January 11, 2016 and 2nd reading, public hearing and 3rd reading on January 25, 2016.

Randy Wilkerson, Jennifer Hockenull and I will present this bill at the appropriate committee and council meetings.

Respectfully submitted,


John H. Murphy
City Controller



Handwritten initials/signature

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, ESTABLISHING A NEW NON-REVERTING UNSAFE BUILDING FUND
#219, TRANSFERRING EXISTING FUNDS, AND AMENDING CHAPTER 2,
ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE**

STATEMENT OF PURPOSE AND INTENT

The City of South Bend Unsafe Building Fund is a fund which will be used solely for the deposit of fines and fees related to the Unsafe Building law and the expenditures related to board ups and other services related to unsafe buildings. The Unsafe Building Fund will be the responsibility of the Department of Code Enforcement. The accounting for costs and services relating to Unsafe Buildings has been previously accounted for in the General Fund (No. 101) and the Building Department Fund (No. 600). Forfeited performance bonds from 2012-2015 will be reclassified into this new Fund No. 219 upon set up. All expenditures relating to the Unsafe Building Law will be paid from this new Fund starting in 2016.

It is in the interest of government transparency and fiscal efficiency to create a separate fund to handle the costs and expenses relating to the Unsafe Building Law. This ordinance establishes a new and separate Fund #219 for that purpose which is codified at Chapter 2, Article 14 of the *South Bend Municipal Code* under a new Section 2-169.3

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. A new Fund #219 to be known as the "Unsafe Building Fund" is hereby established for the purpose of receiving fines and fees relating to Unsafe Building laws and appropriating those funds for expenses of the future Unsafe Buildings.

SECTION II. All forfeited performance bonds for the years 2012-2015 previously deposited into the General Fund (No. 101) shall be transferred to the new Fund #219 which shall also be the repository for future forfeited performance bonds to be used for the established purposes of Fund #219 described in Section I of this ordinance. The amount of \$202,164.16 will be transferred from General Fund #101 to Unsafe Building Fund #219.

SECTION III. Chapter 2, Article 14 of the *South Bend Municipal Code* is hereby amended to add a new Section 2-169.3 which shall read in its entirety as follows:

Sec. 2-169.3 Unsafe Building Non-Reverting Fund.

- (a) Effective January 1, 2016, the Unsafe Building Fund (No. 219) is established to receive fines and fees related to the Unsafe Building law and further to receive past unused and

future forfeited performance bond monies, for the sole purpose of defraying the costs and expenses incurred in board ups and other services related to unsafe buildings administered by the City of South Bend Department of Code Enforcement.

- (b) Monies remaining in this fund at the end of the fiscal year including all interest earned shall not revert to the general fund.

SECTION III. This ordinance shall be in full force and effect on January 1, 2016 after its passage by the Common Council and approval by the Mayor.

Member, South Bend Common Council

Attest:

City Clerk

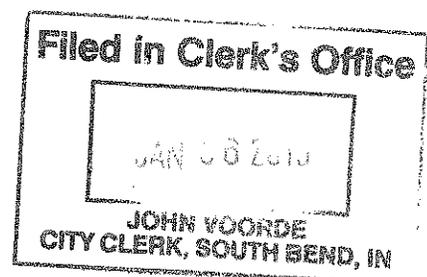
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at o'clock _____. m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARINGS
3rd READING
NOT APPROVED
REFERRED
PASSED



1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

January 5, 2016

Tim Scott, Council President
Common Council of the City of South Bend
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601

The Department of Code Enforcement respectfully requests that the Council consider this ordinance to raise the cost of abatements that are completed by the Department. The current increases reflect an 11.5 percent increase from the last increase in 2008. I have also revised some of the charges to be accurate with our current processes. It is important to point out this is not a request for a budget increase; this is a cost of service fee for the Department to complete the abatements on property owners that do not comply with the Indiana Unsafe Building Law and the City of South Bend's Ordinance's. I will be available as the presenter on behalf of the Department.

The costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation from real property include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

We presented this to the City of South Bend Board of Public Works on November 24, 2015 at a public hearing and received information on the current costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation, and by Resolution No. 67-2015, it recommended for Common Council approval a schedule of fees for costs involved in the abatement of a nuisance, which is attached hereto and incorporated herein.

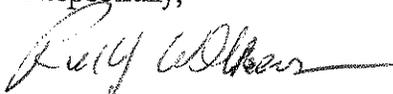
The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to remove trash, debris, fire hazardous material, or a public health hazard in an about an unsafe premises. The Indiana Code at IC 36-7-10.1-1 et seq. also authorizes municipalities to require property owners to remove weeds and other rank vegetation.

OK
9/10

The Department of Code Enforcement may at the owner's expense enter an owner's property to abate a nuisance such as trash, debris, fire hazardous material and public health hazards, and/or may also remove weeds and rank vegetation if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

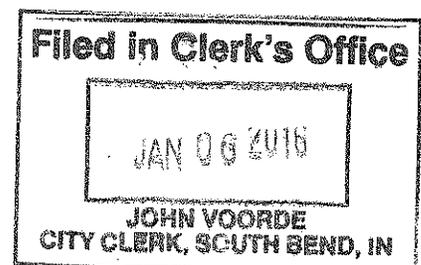
On behalf of the Department of Code Enforcement, it is my belief that this ordinance is in the best interest of the citizens of the City of South Bend.

Respectfully,



Randy Wilkerson

Director of Code Enforcement



ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH,
DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF
WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE
BUILDING LAW**

STATEMENT OF PURPOSE AND INTENT

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the *South Bend Municipal Code* (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to remove trash, debris, fire hazardous material, or a public health hazard in an about an unsafe premises. The Indiana Code at IC 36-7-10.1-1 et seq. also authorizes municipalities to require property owners to remove weeds and other rank vegetation. The Department of Code Enforcement may at the owner's expense enter an owner's property to abate a nuisance such as trash, debris, fire hazardous material and public health hazards, and/or may also remove weeds and rank vegetation if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

The costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation from real property include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

At its meeting held on November 24, 2015, the South Bend Board of Public Works conducted a public hearing and received information on the current costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation, and by Resolution No. 67-2015, it recommended for Common Council approval a schedule of fees for costs involved in the abatement of a nuisance, which is attached hereto and incorporated herein.

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 67-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Schedule of Fees for the Department of Code Enforcement's services in abating public nuisances such as trash, debris, fire hazardous material, or a public health hazard,

and for removing weeds and rank vegetation from real property, all as set out specifically in Section II of the Board of Public Works Resolution No. 67-2015 attached hereto and incorporated herein, is approved and confirmed.

Section II. A copy of the Schedule of Fees approved by this Resolution shall be on file for public inspection in the office of the City Clerk, the office of the Clerk of the Board of Public Works, and shall be posted on the City of South Bend's website.

Section III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

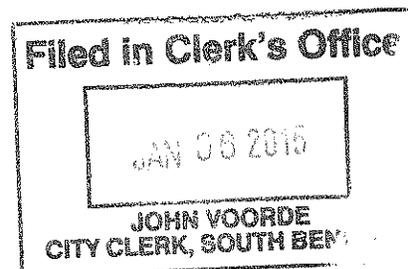
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2014, at _____ o'clock _____ m.

City Clerk

Approved and signed by me on the _____ day of _____, 20_____, at _____ o'clock, _____ m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



ATTACHMENT

Board of Public Works Resolution No. 68- 2015 enacted on November 24, 2015

(Remainder of Page left intentionally blank)

RESOLUTION NO. 67-2015

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, ADJUSTING THE FEES RELATED TO ABATING NUISANCES AND REMOVING VEGETATION PURSUANT TO INDIANA CODE 36-7-9 AND 36-7-10.1 AND SOUTH BEND MUNICIPAL CODE CHAPTER 16, ARTICLE 8

WHEREAS, the Board of Public Works ("Board") has authority to determine the costs for performance of work required by orders issued under the Unsafe Building Law, 36-7-9-1, et al., including orders to remove trash, debris, fire hazardous material, or a public health hazard in and about an unsafe premises; and

WHEREAS, the Board also has authority to abate nuisances described in South Bend Municipal Code Chapter 16, Article 8, Section 16-53; and

WHEREAS, the Indiana Code provision for removal of weeds and rank vegetation, Indiana Code 36-7-10.1-1, et seq., allows municipalities to require property owners to remove weeds and other rank vegetation, and sets forth procedures for giving notice to property owners and removing weeds and rank vegetation at the owner's expense; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, after giving notice to the owner, enter property and remove weeds and rank vegetation at the owner's expense, pursuant to South Bend Municipal Code Chapter 16, Article 8, Section 16-59; and

WHEREAS, the Board has the expertise to determine the costs of abating nuisances such as trash, debris, fire hazardous material and public health hazards, and or removing weeds and rank vegetation, including the cost of providing notice, use of equipment and labor, and administrative costs; and

WHEREAS, the Board determines that the fees imposed for nuisance abatement and removal of weeds and rank vegetation should be adjusted from the 2008 schedule to reflect the current cost the City of South Bend incurs providing such services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. That the Board of Public Works hereby sets forth fees for services in abating public nuisances such as trash, debris, fire hazardous material, or a public health hazard, and of removing weeds and rank vegetation from real property.

Section II. The owner, occupant or person in control of the property upon which the public nuisance or rank vegetation exists in violation of South Bend Municipal Code Chapter 16, Article 8, as it may be amended from time to time, shall be charged fees for the cost of equipment, services and labor incurred by the City in abatement of the nuisance or removal of vegetation. The following fees shall be charged:

Fees and Costs

Dump fee	\$150.00
Handling and disposal	\$ 84.00
Administrative fee	\$ 40.00
Technology and software	\$ 10.00
Supplies	\$ 8.00

Hourly Labor and Equipment Use

Inspection	\$ 29.00
Labor (General)	\$ 23.00
Labor (Operator – skilled)	\$ 34.00
Supervisory staff	\$ 40.00
Dump truck	\$ 51.00
Small loader	\$ 51.00
Lightening loader	\$ 84.00
Large loader	\$119.00
Pick up and mower	\$ 44.00
Tractor mower	\$ 38.00

Grass Cutting Fees

Inspection (2)	\$58.00
Administrative fee	\$40.00
Supervisory Staff	\$40.00
Pickup truck and mower	\$22.00
Labor general	\$11.50
Technology and software	\$10.00
Supplies	\$ 8.00
TOTAL	\$189.50

Adopted on the 24th day of November, 2015, by the Board of Public Works of the City of South Bend, Indiana.

BOARD OF PUBLIC WORKS OF THE
CITY OF SOUTH BEND, INDIANA



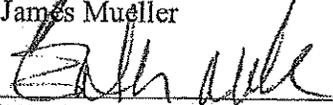
Gary Gilot



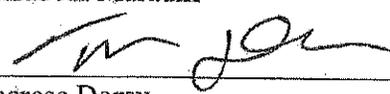
David Relos



James Mueller

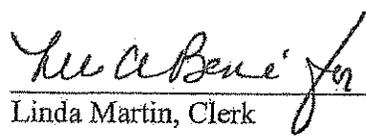


Elizabeth Maradik



Therese Dorau

ATTEST:



Linda Martin, Clerk

1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

January 5, 2016

Tim Scott, Council President
Common Council of the City of South Bend
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601

The Department of Code Enforcement respectfully requests that the Council consider this ordinance to raise the fees associated to demolitions that are completed by the Department. The current increases reflect an 11.5 percent increase from the last increase in 2008. I have also revised some of the charges to be accurate with our current processes including the cost associated with testing for asbestos. This was not charged in the past. It is important to point out this is not a request for a budget increase; this is a cost of service fee for the Department for property owners that do not comply with the Indiana Unsafe Building Law. I will be available as the presenter on behalf of the Department.

The costs of securing property and/or removing structures upon unsafe premises include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

We presented this to the South Bend Board of Public Works on November 24, 2015 at a public hearing and received information on the current costs of securing property or removing structures at an unsafe premises, and by Resolution No. 68-2015, it recommended for Common Council approval a schedule of fees for costs involved in the demolition of real property and in the securing of real property, which is attached hereto and incorporated herein.

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to enter into and secure an owner's property or remove structures at an unsafe premises at the owner's expense if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

OK
RW

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 68-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

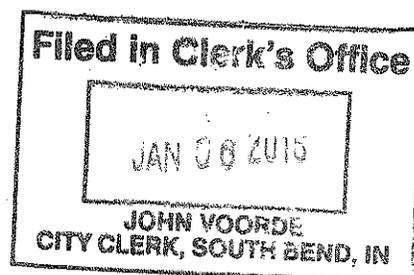
On behalf of the Department of Code Enforcement, it is my belief that this ordinance is in the best interest of the citizens of the City of South Bend.

Respectfully,



Randy Wilkerson

Director of Code Enforcement



ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES
PURSUANT TO THE INDIANA UNSAFE BUILDING LAW**

STATEMENT OF PURPOSE AND INTENT

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the *South Bend Municipal Code* (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to enter into and secure an owner's property or remove structures at an unsafe premises at the owner's expense if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

The costs of securing property and/or removing structures upon unsafe premises include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

At its meeting held on November 24, 2015, the South Bend Board of Public Works conducted a public hearing and received information on the current costs of securing property or removing structures at an unsafe premises, and by Resolution No. 68-2015, it recommended for Common Council approval a schedule of fees for costs involved in the demolition of real property and in the securing of real property, which is attached hereto and incorporated herein.

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 68-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Schedule of Fees for the Department of Code Enforcement's processing of orders for demolition of structures and for securing structures as set out specifically in Sections II and III of the Board of Public Works Resolution No. 68-2015 attached hereto and incorporated herein is approved and confirmed.

Section II. A copy of the Schedule of Fees approved by this Resolution shall be on file for public inspection in the office of the City Clerk, the office of the Clerk of the Board of Public Works, and shall be posted on the City of South Bend's website.

Section III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

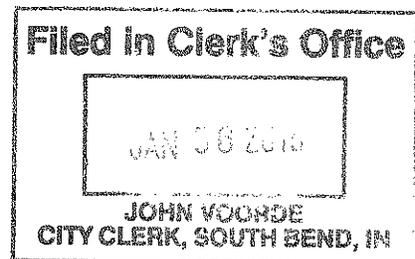
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2014, at _____ o'clock _____ .m.

City Clerk

Approved and signed by me on the _____ day of _____, 20____, at _____ o'clock, _____ .m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



ATTACHMENT

Board of Public Works Resolution No. 68-2015 enacted on November 24, 2015

(Remainder of Page left intentionally blank)

RESOLUTION NO. 68-2015

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, ADJUSTING THE FEES FOR SERVICES RELATED TO SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW, INDIANA CODE 36-7-9 AND SOUTH BEND MUNICIPAL CODE CHAPTER 6, ARTICLE 8, SECTIONS 37 AND 37.1

WHEREAS, the Board of Public Works is the Board with control over the Department of Code Enforcement for purposes of setting performance bonds and processing expenses provided under the Unsafe Building Law, and has the responsibility for fixing the average processing expenses and a schedule of performance bonds as provided in the Unsafe Building Law, Indiana Code 36-7-9-1 et seq., and South Bend Municipal Code Chapter 6, Article 8; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, after giving notice to the owner, enter onto and secure property at the owner's expense, pursuant to South Bend Municipal Code Chapter 6, Article 8 and the Unsafe Building Law; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, pursuant to the procedures set forth in the Unsafe Building Law and after giving notice to the owner, remove structures from unsafe premises at the owner's expense; and

WHEREAS, the Board of Public Works has the expertise to determine the costs of securing and removing structures upon unsafe premises, including the cost of providing notice, use of equipment and labor, and administrative costs; and

WHEREAS, the Board of Public Works determines that the fees imposed for securing and removing structures should be adjusted from the 2008 schedule to reflect the current cost the City of South Bend incurs providing such services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. The Board of Public Works hereby sets forth administrative and service fees related to securing and removing structures upon unsafe premises pursuant to the Unsafe Building Law and South Bend Municipal Code Chapter 6, Article 8.

Section II. The following fees reflect the average expenses which are incurred by the Department of Code Enforcement in processing orders for demolition of structures, and shall be charged in addition to the costs of the demolition contractor for each demolition order issued:

Inspections – average of 8	\$203.00
Legal notices, recording fees	\$113.00
Title search	\$ 27.00
Forms, letters, postage	\$100.00
Supplies	\$ 8.00
Legal services and hearing officer	\$200.00
Clerical staff	\$ 76.00
Management staff	\$200.00
Technology and software	\$ 10.00

TOTAL DEMOLITION COST **\$937.00**

Asbestos Testing for Demolition, if Applicable

First Inspection –prelim testing requires 2 inspectors
at 1.5 hours/inspector \$ 87.00

Second Inspection—testing and completion of
papers requires 2 inspectors at 1.5/inspector \$ 87.00

Tools, supplies, and safety costs \$ 22.00

Test 10 samples at \$8.00/sample (average) \$ 80.00

TOTAL ASBESTOS COST **\$276.00**

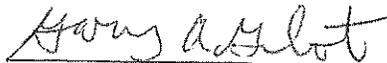
Section III. The following fees reflect the average expenses which are incurred by the Department of Code Enforcement in processing orders to secure structures, and which shall be charged in addition to the costs of the contractor for each order to secure issued:

Inspections – average of 3	\$ 87.00
Forms, letters, postage	\$ 7.00
Clerical staff	\$ 23.00
Management staff	\$ 35.00
Technology and software	\$ 10.00

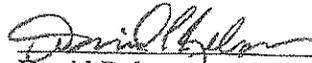
TOTAL COST TO SECURE **\$162.00**

Adopted on the 24 day of November, 2015, by the Board of Public Works of the City of South Bend, Indiana.

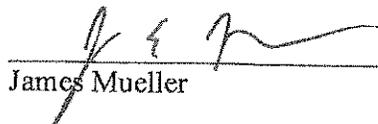
BOARD OF PUBLIC WORKS OF THE
CITY OF SOUTH BEND, INDIANA



Gary Gilot

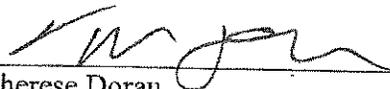


David Relos



James Mueller


Elizabeth Maradik


Therese Dorau

ATTEST:


Linda Martin, Clerk

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

January 20, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Residential Real Property Tax Abatement Petition for: **Jeffrey Szalay and Amber O'Brien**

Dear Council Member Ferlic:

Please find the attached information pertaining to a residential real property tax abatement petition submitted by Jeffrey Szalay and Amber O'Brien to a build a single-family home:

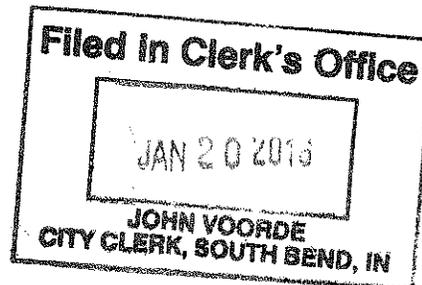
- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. The petitioner proposes to build a single-family home with an approximate construction value of \$182,500. The project meets the qualifications for a (5) five-year residential property tax abatement and Jeffrey Szalay and Amber O'Brien will be available to meet with the Committee on Monday, January 25, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-9339.

Sincerely,

Brock Zeeb
Director Economic Resources



TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL

FROM: BROCK ZEEB

SUBJECT: RESIDENTIAL REAL PROPERTY TAX ABATEMENT PETITION FOR:
Jeffrey Szalay and Amber O'Brien

DATE: January 20, 2016

On Thursday, January 7, 2016, a petition from Jeffrey Szalay and Amber O'Brien was received and subsequently filed with the City Clerk for residential real property tax abatement consideration for a single-family home. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- (1) One single-family home at an approximate net assessed value of \$62,910
- New total taxes during five year abatement period – \$8911
- Estimated taxes being abated during five year abatement period – \$8809
- Total taxes to be paid during five year abatement period – \$102

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is not located in a designated Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year residential property tax abatement under section 2-77.1, Single Family Residential Construction.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

6741 Lutz Drive, South Bend, IN 46614

AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE-YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR

Jeffrey Szalay and Amber O'Brien

WHEREAS, a Statement of Benefits and a petition for residential real property tax abatement have been submitted to and filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 6741 Lutz Drive, South Bend, IN 46614 and which is more particularly described as follows:

LOT 336 LAFAYETTE FALLS PHASE III SECTION TWO
TAX KEY NO. 023-1002-002424

be designated as a Residentially Distressed Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as a Residentially Distressed Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as a Residentially Distressed Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the petition for real property tax abatement and the Statement of Benefits form meet the requirements of Indiana Code 6-1.1-

12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds that the area meets one of the following conditions as formally established in Ordinance No. 9394-03, which was passed on February 10, 2003:

- A. The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or
- B. Any dwellings in the area are not permanently occupied and are:
 - i. the subject of an order issued under IC 36-7-9; or
 - ii. evidencing significant building deficiencies; or
- C. Parcels of property in the area:
 - i. have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
 - ii. are owned by a unit of local government; or
- D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or
- E. A significant number of dwelling units within the area are:
 - i. the subject of an order issued under IC 36-7-9; or
 - ii. evidencing significant building deficiencies; or
- F. The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or,
- G. The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

SECTION III. The Common Council also hereby determines and finds the following:

- A. That the description of the proposed redevelopment meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature;
- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- D. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.
- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within five (5) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION IV. The Common Council hereby determines and finds that the proposed described redevelopment can be reasonably expected to yield benefits identified in the Statement of Benefits and the petition for real property tax abatement consideration and that the Statement of Benefits form prescribed by the State Board of Accounts are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

SECTION V. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as a Residentially Distressed Area and hereby adopts a Resolution designating this area as a Residentially Distressed Area for purposes of real property tax abatement.

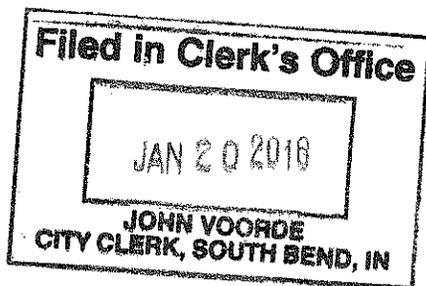
SECTION VI. The designation as a Residentially Distressed Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VII. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of five (5) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VIII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5-3-1 and Indiana Code 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION IX. Pursuant to Indiana Code 6-1.1-12.1-2, the rehabilitation must meet all local code standards for habitability as a specific condition of having such property designated as a residentially distressed area.

SECTION X. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.



Member of the Common Council

5 YEAR

20-Jan-16

Jeffrey Szalay and Amber O'Brien

South Bend Portage Township
Residential Real Property Tax Abatement Schedule*

Estimated Project Cost:		<u>\$182,500.00</u>		
		<u>Total Taxes</u>	<u>Tax Abated**</u>	<u>Tax Paid***</u>
<u>Assessed Value:</u>				
Structure (% AV of cost)	80.0%	146,000.00	146,000.00	146,000.00
Land Value	400	400.00	N/A	N/A
Gross Assessed Value		146,400.00	146,000.00	146,000.00
Less Mortgage Exemption		(3,000.00)	(3,000.00)	(3,000.00)
Less Homestead Deduction		(45,000.00)	(45,000.00)	(45,000.00)
Less Supplemental Homestead Deduction		(35,490.00)	(35,490.00)	(35,490.00)
Base Assessed Value		62,910.00	62,510.00	62,510.00
Less Maximum Abatement Deduction		N/A	N/A	(62,510.00)
Less Non-Abated Amount		N/A	0.00	N/A
Plus Land Assessed Value		N/A	N/A	400.00
Net Assessed Value		62,910.00	62,510.00	400.00
<u>Property Taxes:</u>				
Assume constant tax rate of		5.4597%	5.4597%	5.4597%
Gross Tax (tax rate x net assessed value)		3,434.67	3,412.83	21.84
Less County COIT Homestead Credit:		6.8095%	(233.88)	(1.49)
Tax Due Before Circuit Breaker		3,200.79	3,180.43	20.35
Less Circuit Breaker Credit		(1,418.65)	(1,418.65)	0.00
Net Tax		1,782.14	1,761.78	20.35
<u>Circuit Breaker Cap</u>				
Circuit Breaker		1.0000%	1,464.00	1,464.00
Debt Service		0.5057%	318.14	2.02
Circuit Braker Cap			1,782.14	1,466.02

Year	Net Assessed Value	Total Taxes Due	Tax Abated	Tax Paid
1	62,910.00	1,782.14	1,761.78	20.35
2	62,910.00	1,782.14	1,761.78	20.35
3	62,910.00	1,782.14	1,761.78	20.35
4	62,910.00	1,782.14	1,761.78	20.35
5	62,910.00	1,782.14	1,761.78	20.35
	5 year totals:	8,910.68	8,808.92	101.76

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

**Tax Abated is capped at \$74,880 of assessed value of structures only and does not include land assessed value.

***Tax Paid is calculated using the difference between actual assessed value of structure and maximum abated portion of \$74,880 and adding back the land assessed value.

**CITY OF SOUTH BEND, INDIANA
PETITION FOR RESIDENTIAL TAX ABATEMENT CONSIDERATION**

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for Residential Real Property tax abatement consideration and pursuant to I.C. 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the following:

- Describe the proposed construction project, including information about square footage, number of rooms, number of stories, other amenities such as finished basements and garages, the amount of land to be used, the proposed use of the improvements, and a general statement as to the importance of the project (use additional sheet for long project descriptions):
We plan to construct a single family, one story home of 1719 sq. feet with three bedrooms and two bathrooms, and a two stall garage. There will be an additional bathroom and bedroom with egress window in the basement once finished. This home will serve as the primary residence of our growing family in the years to come.

- Estimate the dollar value of the construction project (do not include land cost): \$ 182,500 .

- The real property for which tax abatement consideration is petitioned (Property) is owned or to be owned by the following individual(s) or corporation(s) (if the business organization is publicly held, indicate also the name of the corporate parent, if any, and the name under which the corporation has filed with the Securities and Exchange Commission):

<u>Name</u>	<u>Address</u>	<u>Interest</u>
Jeffrey Szalay	722 S Gladstone Ave.	homeowner
Amber O'Brien	722 S Gladstone Ave.	homeowner

- The commonly known address of the Property is: 6741 Lutz Drive and having tax key no.: 023-1002-002424 (use additional sheet for multiple addresses or key numbers).
- A legal description of said Property(s) is attached hereto, marked Exhibit A, and is incorporated herein.
- A map and/or plat indicating the location of the Property(s) is attached hereto, marked Exhibit B, and is incorporated herein.
- Photographs of the Property(s), taken within two (2) weeks of the filing of this petition, are attached hereto, marked Exhibit C, and incorporated herein.
- The current assessed valuation of the property before construction is \$ 400 (use additional sheet for multiple addresses). (Information may be obtained from the St. Joseph County Assessor's Office, 235-9523).
- List the real property taxes paid at the location during the previous two years, whether paid by the current owner or a previous owner (use additional sheet for multiple addresses):
2013 payable 2014 - \$8.25
2014 payable 2015 - \$10.45

(This information may be obtained from the St. Joseph County Treasurers office, 235-9531)

- What is your best estimate of the after completion market value of the property: \$ 200,000 .

(Rev. 5/13/11)

11. No building permit has been issued for construction on the property in connection with the improvement in question as of the date of filing of this petition. The building permit may be issued after the South Bend Common Council has approved the Declaratory Resolution. (Tax abatement is not available if a building permit has already been issued). The signature below is verification of this statement.

12. List other anticipated public financing for the project, including any assistance to be sought or already authorized through the United States Department of Housing and Urban Development funds from the City of South Bend, South Bend Housing Authority, Housing Assistance Office, St. Joseph County Housing Consortium or other public financial assistance, including but not limited to public works improvements:
not applicable

13. Describe how the property has become undesirable for or impossible of normal development because of a lack of development, cessation of growth, deterioration of improvements or other factors which have impaired values and prevent a normal development of the property:
Development within the subdivision Lafayette Falls has been stagnant since December of 2014 when remaining vacant lots fell into bank ownership. At the same time, the overall condition of the subdivision also began to deteriorate and has been in ill-repair until recently when the HOA has been overtaken by a group of neighborhood occupants whose goal is to begin revitalization and improvement of the subdivision.

14. The current use of the property is vacant subdivision lot and the current zoning is agricultural. (This information may be obtained from the Building Department 235-9553)

15. The property is located in the following Allocation Area (if any) declared and confirmed by the South Bend Redevelopment Commission (requiring approval of the tax abatement by the Redevelopment Commission):

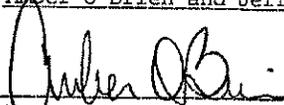
16. The following person should be contacted as the petitioner's agent regarding additional information and public hearing notifications:

Name Amber O'Brien
Address 722 S Gladstone Ave.
City, State, Zip South Bend, IN, 46619
Telephone (574) 298-3187
E-mail Address obrienamRN@gmail.com

WHEREFORE, Petitioner has paid the required fee of \$50.00 and requests that the Common Council of the City of South Bend, Indiana, adopt a declaratory resolution designating the area described herein as a residentially distressed area for the purposes of real property tax abatement consideration, and after publication of notice and public hearing, determine that the qualifications for a residentially distressed area have been met and confirm such resolution.

Name of Property Owner(s):

Amber O'Brien and Jeffrey Szalay

By: 

(Signature)

Amber O'Brien

(Typed or printed name and capacity)

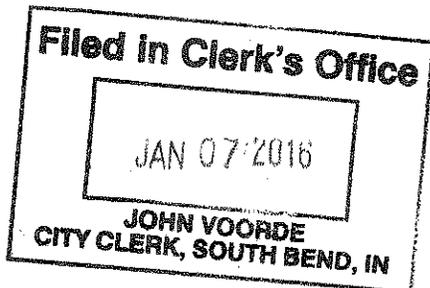


Exhibit A

71-13-02-251-065.000-002
Administrative Information

PARCEL NUMBER
 71-13-02-251-065.000-002
 Parent Parcel Number
 71-13-02-251-087.000-002
 Property Address
 6741 LUTZ DR

Chemical Bank
 OWNERSHIP

Chemical Bank
 333 East Main St
 Midland, MI 48640 UNITED STATES OF AMERICA
 LOT 336 LAFAYETTE FALLS PHASE III SECTION TWO
 04-03-08 09/10 NEW PARCEL

6741 LUTZ DR

Tax ID 023-1002-002424

TRANSFER OF OWNERSHIP

Printed 08/27/2015 Card No. 1 of 1

Date
 12/10/2014

KENDALL WEISS LLP
 \$0

Neighborhood
 7102003 23103-399

Property Class
 180 Agri Vacant land

TAXING DISTRICT INFORMATION

Jurisdiction 71 St. Joseph
 Area 001 Centre
 Corporation N SOUTH BEND-CENTER

District 002

Section & Plat 0002

Routing Number 13-2A

Site Description

Topography:

Public Utilities:

Street or Road:

Neighborhood:

Zoning:

Legal Acres:

0.2507

Admin Legal

0.2507

AGRICULTURAL

VALUATION RECORD

Assessment Year	03/01/2009	03/01/2010	03/01/2011	03/01/2012	03/01/2013	03/01/2014	03/01/2015
Reason for Change							
VALUATION							
Appraised Value	L 200 B 0	Trend Val 200	Trend Val 300	Annual 300	Annual 300	Annual 400	Annual 400
VALUATION	L 200 B 200	Trend Val 200	Trend Val 300	Annual 300	Annual 300	Annual 400	Annual 400
True Tax Value	L 200 B 0 T 200	Trend Val 200	Trend Val 300	Annual 300	Annual 300	Annual 400	Annual 400

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Soil ID	Acres	Depth Factor	Base	Adjusted	Extended	Influence	Value
HeC2	0.2507	0.68	2050.00		0.2507		2050.00	1394.00	350		350
1 TILLABLE LAND											

CR: CYCLICAL REASSESSMENT
 14/15 CYCLICAL REASSESSMENT FOR
 RA12: GENERAL REASSESSMENT 2012
 REG9: REPEAT 2009 PAY 2010
 10-15-09 FLAT LAFAYETTE FALLS PHASE 3 SEC 2 TR947
 04-03-08.CW
 TA: GENERAL
 10-27-2009 - PER CITY ENGINEER'S OFFICE, CORRECTED
 THE ADDRESS FROM 6804 TO 6741 LUTZ DR. MM

FARMLAND COMPUTATIONS

Parcel Acreage
 81 Legal Drain NV [-]
 82 Public Roads NV [-]
 83 UT Towers NV [-]
 9 Homestead(s) [-]
 9L/92 Excess Acreage [-]
 TOTAL ACRES FARMLAND
 TRUE TAX VALUE 350

Measured Acreage
 0.2507
 Average True Tax Value/Acre
 TRUE TAX VALUE FARMLAND
 Classified Land Total
 Homestead(s) Value (+)
 Excess Acreage Value (+)
 Supplemental Cards
 TRUE TAX VALUE 350
 Supplemental Cards
 TOTAL LAND VALUE 400

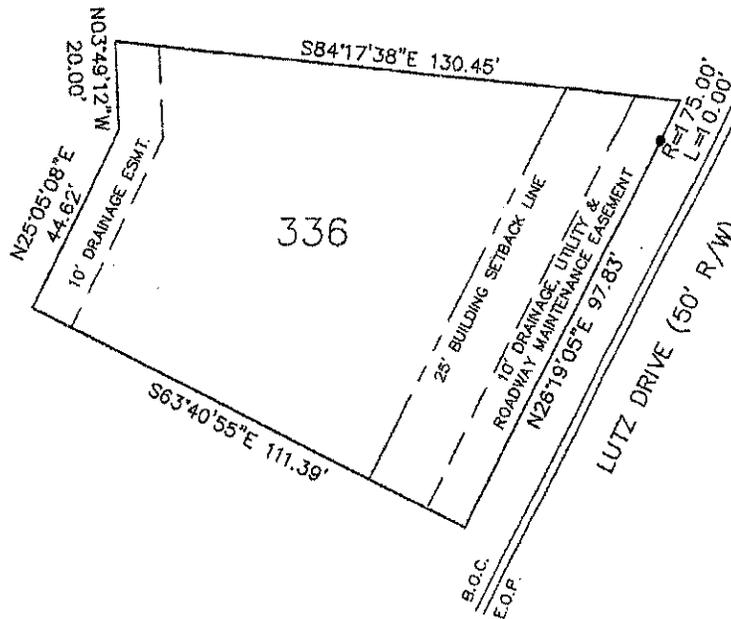
15

SHEET 1 OF 1

LOT 336 LAFAYETTE FALLS, PHASE III, SECTION TWO
 PART OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 2 EAST,
 CENTRE TOWNSHIP, ST. JOSEPH COUNTY,
 INDIANA



9,836 SQ. FT.
 (0.23 ACRES)



LEGEND

B.O.C. BACK OF CURB
 E.O.P. EDGE OF PAVEMENT

NOTE:

THIS DRAWING DEPICTS THE APPROXIMATE LAYOUT OF THE LOT. FOR ACTUAL DIMENSIONS, SEE THE RECORDED FINAL PLAT.

LOT DRAWING
 FOR
 KENDALL-WEISS, L.L.P.



ABONMARCHE CONSULTANTS, L.L.C.

750 Lincoln Way East
 South Bend, Indiana 46601
 (574) 232-8700
 FAX: (574) 251-4440

Fort Wayne, Indiana
 Benton Harbor, Michigan
 Manistee, Michigan

ENGINEERING / LAND SURVEYING / PLANNING / CONSTRUCTION SERVICES

DATE: 01/14/08

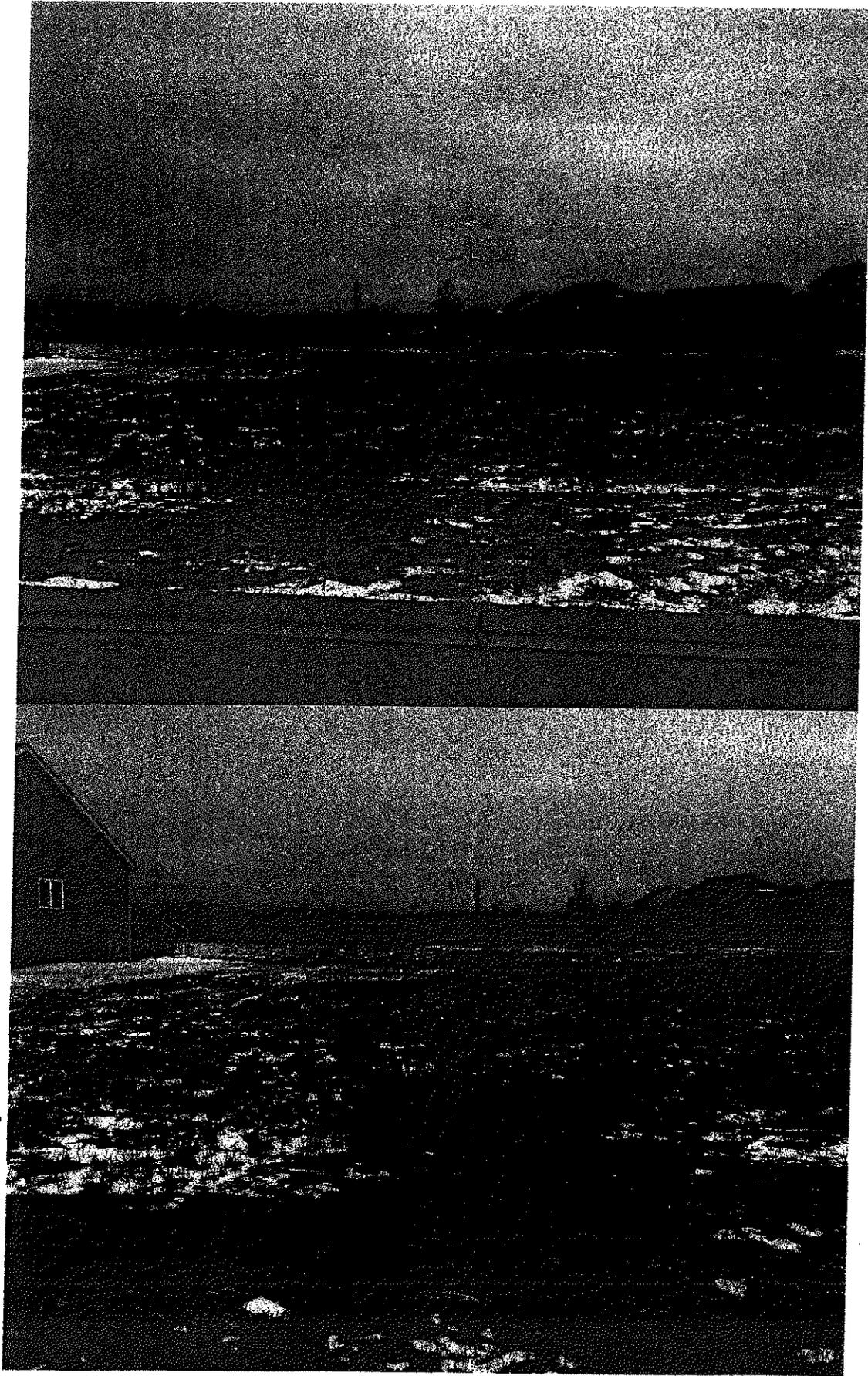
SCALE: 1"=30'

JOB NO. MS-1167-336

E:\CIVIL\3016816\RECORDER\167167\LOT336-PH3 3 SEC 2\LOT336.dwg, Mon, 1/22/2008 1:45:27 PM, Jmueller, 1:30

Exhibit B

Exhibit C





**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R2 / 1-07)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Eligible vacant building (IC 6-1.1-12.1-4.8)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
3. To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
5. The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer Jeffrey Szalay & Amber O'Brien					
Address of taxpayer (number and street, city, state, and ZIP code) 722 S. Gladstone Ave. South Bend, IN 46619					
Name of contact person Amber O'Brien			Telephone number (574) 298-3187	E-mail address obrienamRN@gmail.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body SOUTH BEND COMMON COUNCIL					Resolution number
Location of property Lot 336 Lafayette Falls (674) Lutz Dr.			County St. Joseph	DLGF taxing district number 002	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) New construction of single family residence. 1719 sq. feet with 4BR, 3BATH, and 2 car garage.					Estimated start date (month, day, year) Feb. 15, 2016
					Estimated completion date (month, day, year) June 24, 2016
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 0	Salaries 0	Number retained 0	Salaries 0	Number additional * See below	Salaries
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
			Current values	land \$17,500	\$400
			Plus estimated values of proposed project	\$162,500	not
			Less values of any property being replaced	0	yet
Net estimated values upon completion of project			\$200,000	assessed	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) 0			Estimated hazardous waste converted (pounds) 0		
Other benefits * During the approximately 4 months of expected construction, work will be generated and corresponding salaries or compensation received by contracting companies utilized by Team Construction. The closing date for proposed construction project is January 29, 2016 and construction is expected to begin after consideration of this application.					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative Amber O'Brien			Title owner, taxpayer	Date signed (month, day, year) Jan. 6, 2016	

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
 - 3. Occupancy of a vacant building Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
- C. For vacant buildings, the deduction period may not exceed two (2) years.



a better way to build

1949 W. Lincoln Ave.
Sachse, TX 75088
974-533-3100

THIS DRAWING IS THE PROPERTY OF BEAM CONSTRUCTION COMPANY, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF BEAM CONSTRUCTION COMPANY, INC. IS STRICTLY PROHIBITED.

TYPICAL OVERHANGS
EAVES: 16"
GABLES: 12"

REVISED

WINDOW WRAP: 6" P/T
(unless noted otherwise)

O'BRIEN

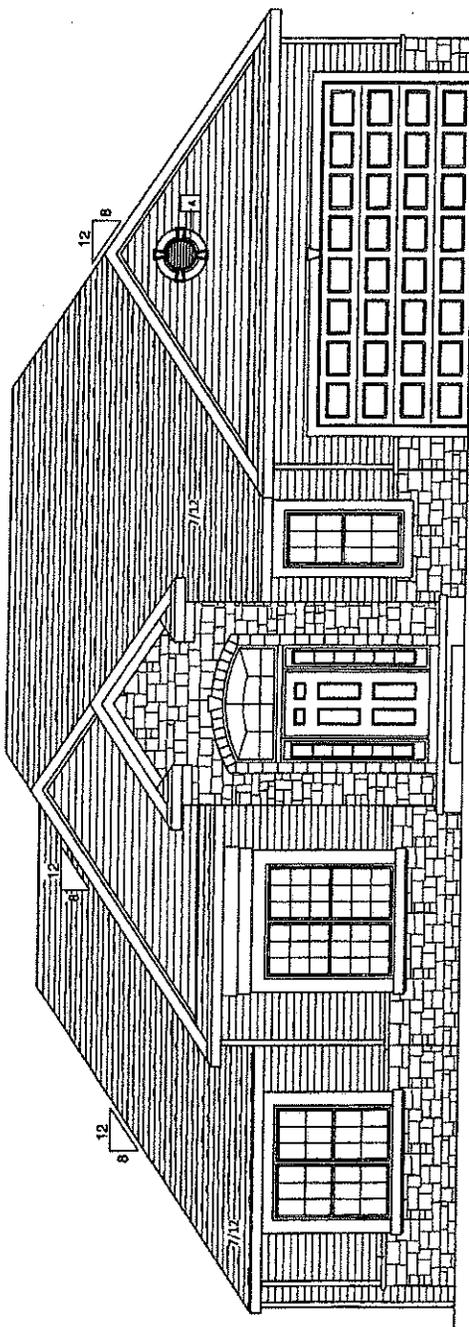
LAFAYETTE FALLS lot #336
6741 LUZ DR., South Bend 48614

SIERRA

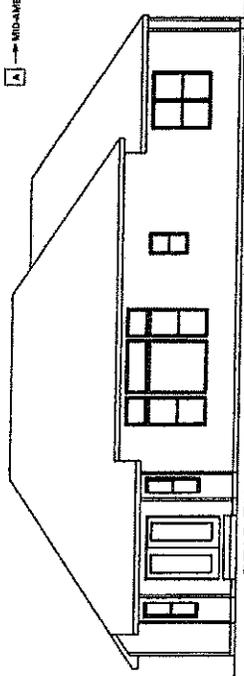
SCALE 3/16" = 1'-0"

DATE December 22, 2015

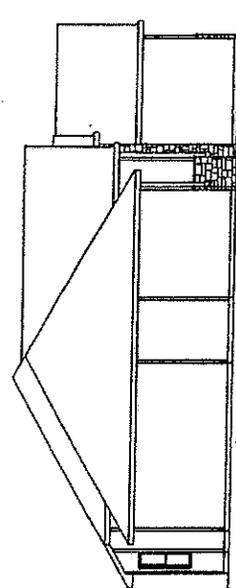
ELEVATIONS



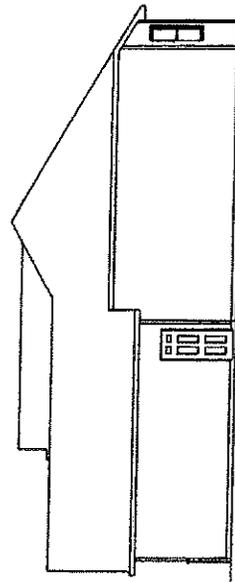
A-A → MID-AMERICA 37' DESIGNER ROUND W/ KEYS



REAR ELEVATION
1/2 SCALE



LEFT ELEVATION
1/2 SCALE



RIGHT ELEVATION
1/2 SCALE



a better way to build

1849 W. Lincoln Ave.
Cochran, IN 46828
574-833-3100

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- NOTES
1. 2 x 6 EXT WALLS 24" O.C.
 2. 3/4" CASING
 3. PELLA COMPASS WINDOW
 4. 1 1/2" FLOOR JOISTS
 5. ALL CEILING 8' (unless otherwise noted)

FIRST FLOOR LIVING AREA - 1,718 sq ft

TOTAL LIVING AREA - 1,717

BASEMENT FINISHED AREA - 0 sq ft

GARAGE AREA - 486 sq ft

COVERED PORCH AREA - 42 sq ft

CEILING

O'BRIEN

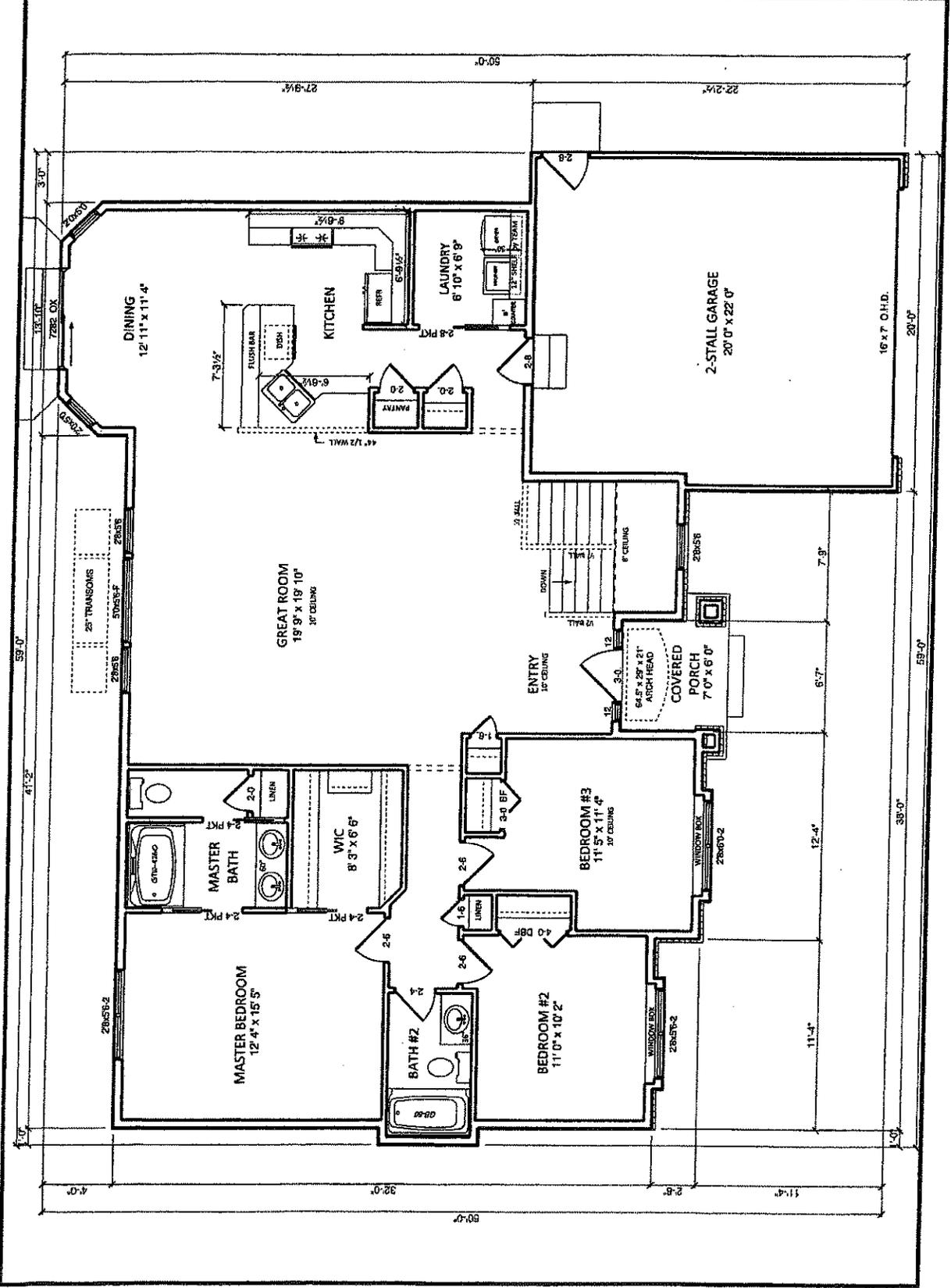
LAPAYETTE FALLS lot #336
6741 Lutz Dr., South Bend 46814

SIERRA

3/16" = 1'-0"

December 22, 2015

1st FLOOR PLAN



AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.
Suite 100
South Bend, Indiana 46601
(574)235-9554
FAX: (574)235-5541

January 7, 2016

The Honorable Common Council South Bend
Of the City of South Bend
4th Floor, County-City Building
South Bend, Indiana 46601

RE: Petition for Special Exception
Pokagon Band of Potawatomi Indians
01/06/2016

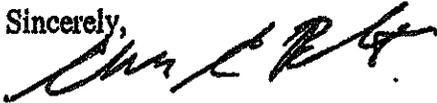
Dear Council Members:

The above referenced petition of Pokagon Band of Potawatomi Indians was legally advertised on December 17, 2015. The Area Board of Zoning Appeals gave it a public hearing on January 6, 2016, at which time the following action was taken:

Upon a motion by Mr. Phipps, being seconded by Ms. Schuth and by a unanimous vote, the petition for Special Exception to allow a Police sub-station in a "SF1" District, on property located at 2906 Prairie Ave., Portage Township, is sent to the Common Council with a **Favorable Recommendation**.

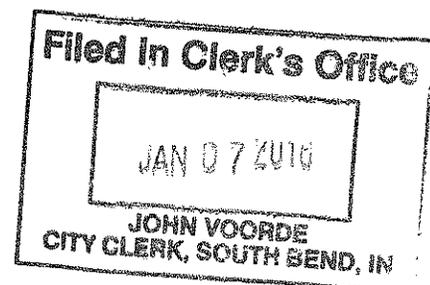
The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

Sincerely,



Charles C. Bulot, C.B.O. Building
Commissioner

CCB/cah



PETITION

SPECIAL EXCEPTION PURSUANT 21-09.3(D)
AREA BOARD OF ZONING APPEALS

POKAGON BAND

FINDINGS OF FACT

1. THE PROPOSED *USE* WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:

A. Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

2. THE PROPOSED *USE* WILL NOT INJURE OR ADVERSELY AFFECT THE *USE* OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:

A. The variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:

A. Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

4. THE PROPOSED *USE* IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:

A. It is the feeling of the Board that the variance is blending into the overall Comprehensive Plan and is not deviating from its intent.

CONDITIONS OR REVISIONS:

DECISION

IT IS THEREFORE the decision of the Board that this request for Special Exception shall be passed onto the City of South Bend Common Council with a:

FAVORABLE RECOMMENDATION

ADOPTED this 6 Day of January, 2016.

<u>MOTION</u>	<u>SECOND</u>	<u>RECUSED</u>	<u>ABSENT</u>	<u>YES</u>	<u>NO</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MICHAEL URBANSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KATHY SCHUTH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GERALD PHIPPS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JACK YOUNG
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ROBERT HAWLEY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT**

2906 Prairie Avenue, South Bend, IN

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

2906 Prairie Avenue, South Bend, IN

in order to permit

a Tribal Police Sub-Station for the Pokagon Band of Potawatomi Indians.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

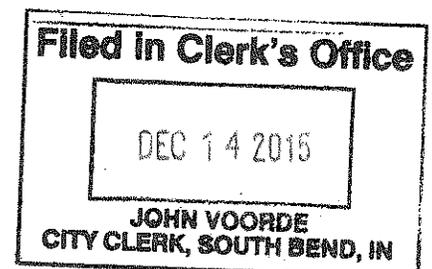
1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED



NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Area Board of Zoning Appeals will hold a public hearing in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana on the 6th day of January, 2016, at 1:30 p.m. or as soon thereafter as the matter can be heard. This hearing is for the purpose of considering a petition that was

Filed by: the Pokagon Band of Potawatomi Indians

Seeking: _____

A Special Exception for a Police Sub-Station for the Tribal Police of the Pokagon Band of Potawatomi Indians, a Federally recognized Native American Tribe with a service area in the State of Indiana. TN A "SEI" DISTRICT

On real estate commonly described as:
2906 Prairie Avenue, South Bend, IN 46614

and is legally described as follows:

See attached Legal Description (Exhibit "A")

Dated this 14th day of December, 2015.

Area Board of Zoning Appeals

Carolyn A. Henry
Carolyn A. Henry
Secretary to the Board

AREA BOARD OF ZONING APPEALS
FILED
Date: 12/14/15

TO THE PETITIONER: It is your responsibility to complete this form correctly and deliver it to the Secretary of the Board of Zoning Appeals with the other papers at the time of original filing. Once it is signed by the Secretary, then it is your responsibility to make arrangements to have publication of notice made in a local newspaper having general circulation in St. Joseph County. Such notice must be published one (1) time, being at least ten (10) days prior to the date on which the public hearing is to be held. Proof of publication must be presented to the Board at the time of public hearing.

AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.
Suite 100
South Bend, Indiana 46601
574/235-9554
574/235-5541-Fax

NOTICE TO ADJACENT PROPERTY OWNERS:

You are hereby notified that a public hearing will be held by the Area Board of Zoning Appeals on Wednesday, the 6th day of January, 2016, at 1:30 p.m. in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana.

A petition is on file by the Pokagon Band of Potawatomi Indians

Seeking:

A Special Exception for a Police Sub-Station for the Tribal Police of the Pokagon Band of Potawatomi Indians, a Federally recognized Native American Tribe with a service area in the State of Indiana.

On property commonly described as:

2906 Prairie Avenue, South Bend, IN 46614

Said public hearing will be held as authorized by the applicable Zoning Ordinance and Chapter 138, Acts of 1957 of the General Assembly of the State of Indiana.

As a property owner within the immediate appeal area, this notice is sent to you as a courtesy. Sometimes, for reasons beyond our control, property owners within the immediate area of the subject property will not receive a copy of this notice. If you know of someone who should have received notice but didn't, please inform them of this hearing. Any persons desiring to oppose or support this petition will be heard at the time of the hearing.

AREA BOARD OF ZONING APPEALS

Carolyn A. Henry

Carolyn A. Henry
Secretary to the Board

Exhibit "A"

File No. 511503234

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 2 EAST DESCRIBED AS BEGINNING AT A POINT 834.1 FEET EAST OF THE WEST QUARTER CORNER OF SAID SECTION 22, RUNNING THENCE NORTH 949.39 FEET TO THE CENTER LINE OF PRAIRIE AVENUE; THENCE NORTHEASTERLY 200 FEET ALONG SAID CENTER LINE OF PRAIRIE AVENUE; THENCE SOUTH 1052.11 FEET TO THE EAST AND WEST CENTER LINE OF SAID SECTION; THENCE WEST 169.8 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM A TRACT OF LAND 40 FEET IN WIDTH, NORTH AND SOUTH, TAKEN OFF OF AND FROM THE ENTIRE SOUTH END FOR DONMOYER AVENUE; ALSO EXCEPTING THEREFROM A TRACT OF LAND 40 FEET AT RIGHT ANGLES WITH THE CENTER LINE OF PRAIRIE AVENUE, OF THE ALREADY ESTABLISHED HIGHWAY KNOWN AS PRAIRIE AVENUE, CONTAINING 3.90 ACRES, MORE OR LESS.

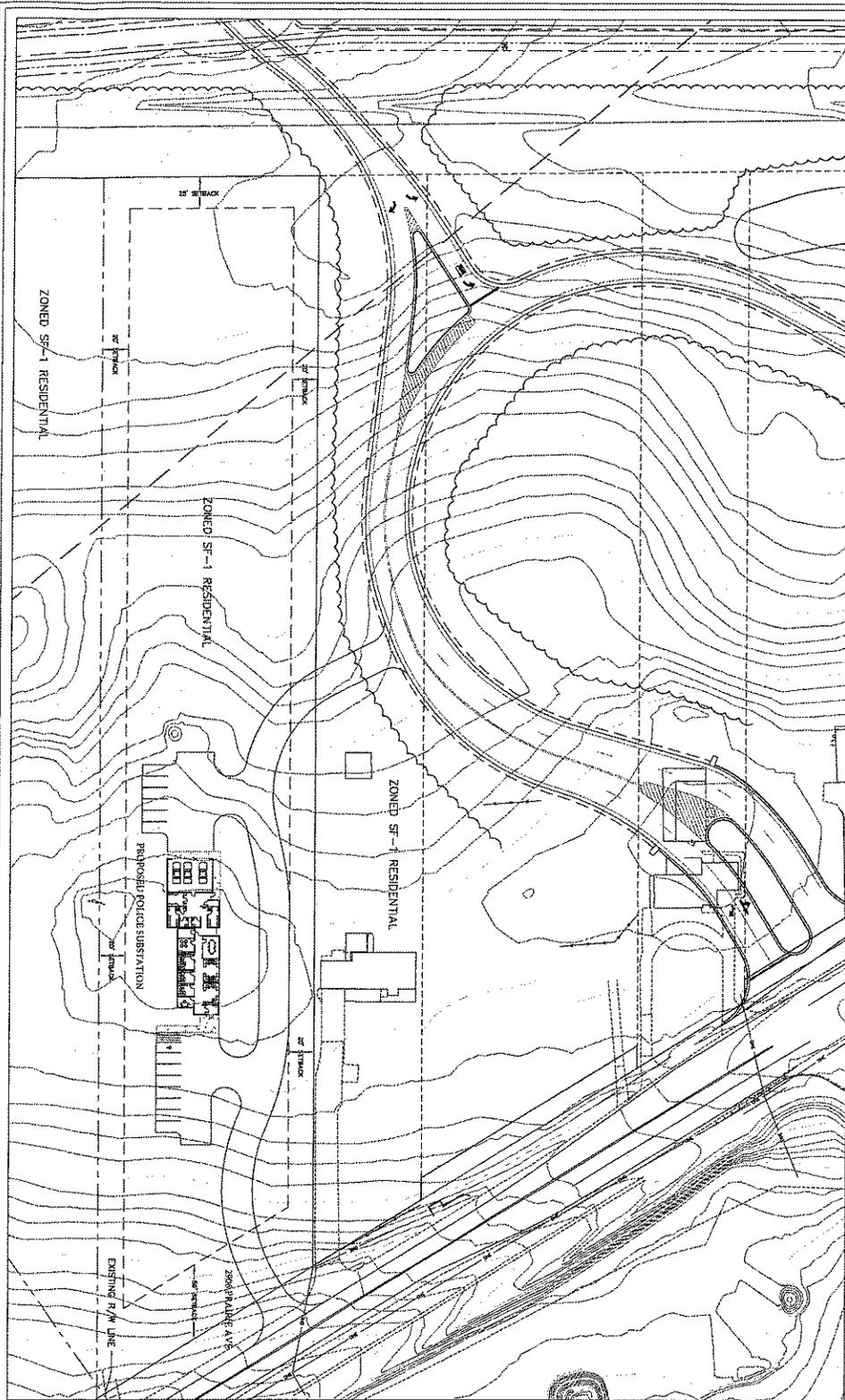
LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A TRACT OF LAND 40 FEET IN WIDTH, NORTH AND SOUTH, TAKEN OFF OF AND FROM THE ENTIRE SOUTH END (FOR DONMOYER AVENUE) OF THE AFOREMENTIONED TRACT.

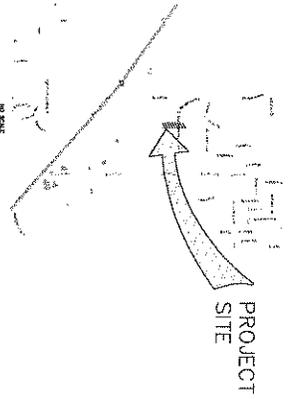
NOW BEING DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS:

COMMENCING AT A HARRISON MONUMENT MARKING THE LOCATION OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 22; THENCE NORTH 89°20'04" EAST ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22 A DISTANCE OF 834.81 FEET (DEEDED EAST 834.1 FEET) TO A FOUND IRON PIPE; THENCE NORTH 00°03'03" WEST (DEEDED NORTH) 40.00 FEET TO A FOUND IRON WITH CAP NUMBER "22436" AND THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 00°03'03" WEST (DEEDED NORTH) 862.11 FEET TO A FOUND "PINCH" PIPE ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF PRAIRIE AVENUE (STATE ROAD 23); THENCE NORTH 58°20'40" EAST ON SAID SOUTHEASTERLY RIGHT OF WAY LINE 199.36 FEET; THENCE SOUTH 00°03'03" EAST (DEEDED SOUTH) 964.76 FEET TO A FOUND 5/8 INCH REBAR WITH CAP NUMBER "208000148"; THENCE SOUTH 89°20'04" WEST PARALLEL WITH AND 40.00 FEET NORTH OF SAID SOUTH LINE 169.80 FEET TO THE POINT OF BEGINNING, CONTAINING 3.560 ACRES MORE OR LESS.



VICINITY MAP



SITE INFORMATION
 SITE ADDRESS: 58620 SINK ROAD
 CITY: DOWAGIAC, MICHIGAN
 COUNTY: WASHTENAW
 ZONING: SF-1
 PROJECT: POLICE SUBSTATION
 PREPARED BY: [Name]
 DATE: [Date]

PARKING CALCULATIONS
 REQUIRED PARKING: 10 SPACES
 PROVIDED PARKING: 10 SPACES
 TOTAL: 10 SPACES

SETBACKS
 FRONT: 20 FT
 SIDE: 20 FT
 REAR: 20 FT

DATE: 12-15-11	SHEET NO:
C-300	
SITE PLAN	
JOB NUMBER:	215083
SHEET TITLE:	SITE PLAN
DESIGNER:	
SCALE:	AS SHOWN
DATE:	12-15-11

POLICE SUBSTATION
 POKAGON BAND OF POTAWATOMIE INDIANS
 58620 SINK ROAD
 DOWAGIAC, MICHIGAN 49047

PRELIMINARY
 NOT FOR CONSTRUCTION



ParcelID	County	PropAddress	PropCity	PropSt	PropZIP	OwnerName	OwnerAddress	OwnerCity	OwnerZIP
018-8153-5509		2906 PRAIRIE	South Bend	IN	46614	CHINODIN CORP	58620 Slink Rd	Dowagiac	MI 49047
018-8153-5503		2932 PRAIRIE	South Bend	IN	46615	WJC HOLDINGS LLC	PO BOX 180	Dowagiac	MI 49047
018-8153-5508		2924 PRAIRIE	South Bend	IN	46614	WJC HOLDINGS LLC	PO BOX 180	Dowagiac	MI 49047
018-1013-032501		2835 STATE ROAD 23	SOUTH BEND	IN	46619	PRAIRIE E Z STORAGE LLC	133 S Taylor St	South Bend	IN 46601
018-8153-551403		2630 2-101 PRAIRIE	SOUTH BEND	IN	46614	PRAIRIE APARTMENTS HOUSING PARTNERS LP	12557 BRANFORD ST	Carmel	IN 46032
018-8153-551405		2610 PRAIRIE	South Bend	IN	46613	PRAIRIE APARTMENTS HOUSING PARTNERS II LP	4000 W. 106th St Ste 125	Carmel	IN 46032
018-8153-5506		3010 PRAIRIE	South Bend	IN	46614	WJC HOLDINGS LLC	PO BOX 180	Dowagiac	MI 49047
018-8155-5574		22027 PRAIRIE	South Bend	IN	46619	WJC HOLDINGS LLC MIGINSKI KEITH AND ANGELAM	PO BOX 180	Dowagiac	MI 49047
018-8153-5510		2822 PRAIRIE	South Bend	IN	46614	YOUNGS KURT D & MARY F	2822 Prairie Ave	South Bend	IN 46614
018-1013-0325		3031 STATE ROAD 23	SOUTH BEND	IN	46619		P o. Box 2766	South Bend	IN 46680
018-8153-551001						WJC HOLDINGS LLC	58620 Slink Rd	Dowagiac	MI 49047
018-8153-550901						WJC HOLDINGS LLC	58620 Slink Rd	Dowagiac	MI 49047

duplicate

duplicate

duplicate

duplicate

AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.
Suite 100
South Bend, Indiana 46601
(574)235-9554
FAX: (574)235-5541

January 7, 2016

The Honorable Common Council South Bend
Of the City of South Bend
4th Floor, County-City Building
South Bend, Indiana 46601

RE: Petition for Special Exception
R & B Car Company
01/06/2016

Dear Council Members:

The above referenced petition of R & B Car Company was legally advertised on December 24, 2015. The Area Board of Zoning Appeals gave it a public hearing on January 6, 2016, at which time the following action was taken:

Upon a motion by Mr. Phipps, being seconded by Mr. Young and by a unanimous vote, the petition for Special Exception to allow automobile sales in a "CB" Community Business District, on property located at 3939 S. Michigan Street, Portage Township, is sent to the Common Council with a **Favorable Recommendation.**

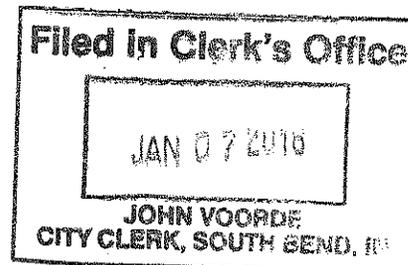
The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

Sincerely,



Charles C. Bulot, C.B.O. Building
Commissioner

CCB/cah



PETITION

SPECIAL EXCEPTION PURSUANT 21-09.3(D)
AREA BOARD OF ZONING APPEALS

R&B CAR COMPANY

FINDINGS OF FACT

1. THE PROPOSED USE WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:

A. Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

2. THE PROPOSED USE WILL NOT INJURE OR ADVERSELY AFFECT THE USE OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:

A. The variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

3. THE PROPOSED USE WILL BE CONSISTENT WITH THE CHARACTER OF THE DISTRICT IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:

A. Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

4. THE PROPOSED USE IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND COMPREHENSIVE PLAN BECAUSE:

A. It is the feeling of the Board that the variance is blending into the overall Comprehensive Plan and is not deviating from its intent.

CONDITIONS OR REVISIONS:

DECISION

IT IS THEREFORE the decision of the Board that this request for Special Exception shall be passed onto the City of South Bend Common Council with a:

FAVORABLE RECOMMENDATION

ADOPTED this 6 Day of January, 2016.

<u>MOTION</u>	<u>SECOND</u>	<u>RECUSED</u>	<u>ABSENT</u>	<u>YES</u>	<u>NO</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MICHAEL URBANSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KATHY SCHUTH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GERALD PHIPPS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JACK YOUNG
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ROBERT HAWLEY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT
3939 SOUTH MICHIGAN STREET, SOUTH BEND, INDIANA**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

3939 South Michigan Street, South Bend, Indiana

in order to permit automobile sales use within the CB Community Business District

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

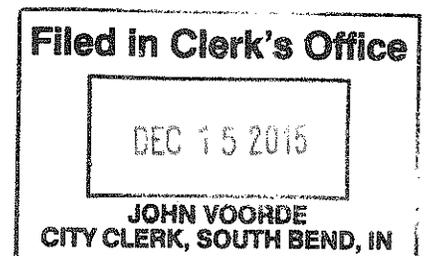
1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

~~PRESENTED~~
~~NOT APPROVED~~
ADOPTED ✓



AREA BOARD OF ZONING APPEALS

125 South Lafayette Boulevard

Suite 100

South Bend, Indiana 46601

574/235-9554

574/235-5541 fax

NOTICE TO ADJACENT PROPERTY OWNERS:

You are hereby notified that a public hearing will be held by the Area Board of Zoning Appeals on Wednesday, the 6th day of January, 2016 at 1:30 p.m. in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana.

A Petition is on file by: R&B Car Company

SEEKING THE FOLLOWING VARIANCES:

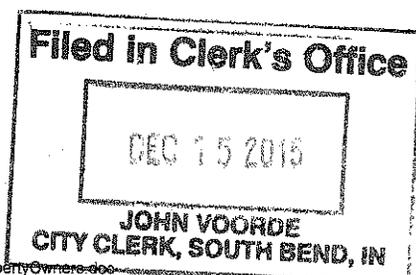
- A Special Use Variance to allow automobile sales with the CB Community Business District;
- From the required 30' front setback along Michigan Street to 4.5';
- To allow a trash enclosure between the front façade and the front lot line along Main Street;
- From the required landscaping of a trash enclosure to none;
- From the required bicycle rack to none;
- From the required foundation landscaping to none;
- From the required interior off-street parking area landscaping;
- From the required residential landscape screening along the east line to none;
- From the required 24' maneuvering aisles to 18';
- From the required perimeter landscaping to none;
- From the required 10' side yard setback to zero, and therefore allowing
- From Section 21-03.05(B)(II)(C)(iv) to allow automobile display within a zero side yard

ON PROPERTY COMMONLY DESCRIBED AS: 3939 South Michigan Street

Said public hearing will be held as authorized by the applicable Zoning Ordinance and Chapter 138, Acts of 1957 of the General Assembly of the State of Indiana.

As a property owner within the immediate appeal area, this notice is sent to you as a courtesy. Sometimes, for reasons beyond our control, property owners within the immediate area of the subject property will not receive a copy of this notice. If you know of someone who should have received notice but didn't, please inform them of this hearing. Any persons desiring to oppose or support said petition will be heard at this time.

AREA BOARD OF ZONING APPEALS



Carolyn A. Henry
Carolyn A. Henry, Secretary to the Board

NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Area Board of Zoning Appeals will hold a public hearing in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana on the 6th of January, 2016 at 1:30 p.m. or as soon thereafter as the matter can be heard.

This Hearing is for the purpose of considering a petition that was filed by:

R & B Car Company

SEEKING THE FOLLOWING VARIANCES:

- A Special Use Variance to allow automobile sales with the CB Community Business District;
- From the required 30' front setback along Michigan Street to 4.5';
- To allow a trash enclosure between the front façade and the front lot line along Main Street;
- From the required landscaping of a trash enclosure to none;
- From the required bicycle rack to none;
- From the required foundation landscaping to none;
- From the required interior off-street parking area landscaping;
- From the required residential landscape screening along the east line to none;
- From the required 24' maneuvering aisles to 18';
- From the required perimeter landscaping to none;
- From the required 10' side yard setback to zero, and therefore allowing
- From Section 21-03.05(B)(II)(C)(iv) to allow automobile display within a zero side yard.

on a certain real estate in St. Joseph County Indiana.

THIS REAL ESTATE IS COMMONLY DESCRIBED AS

3939 South Michigan Street, South Bend, Indiana

AND IS LEGALLY DESCRIBED AS FOLLOWS:

Lot B as shown on the recorded plat of J. & J.'s Replat of Lot 2 Chippewa Minor Subdivision in the office of the Recorder of St. Joseph County, Indiana as Instrument No. 7902055

Dated this 15th day of December, 2015.

Area Board of Zoning Appeals of
St. Joseph County, Indiana

Carolyn A. Henry



LANG, FEENEY and ASSOCIATES, INC.
LAND SURVEYING – CONSTRUCTION ENGINEERING

715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601

TELEPHONE 574/233-1841 • FACSIMILE 574/674-0374

INDOT PREQUALIFIED:

5.4 ECOLOGICAL SURVEYS

5.5 WETLAND MITIGATION

6.1 TOPOGRAPHIC SURVEY DATA

WILLIAM D. LANG, PRES.

JOHN B. FEENEY, L.S.

TERANCE D. LANG, L.S.

SUB-DIVISIONS

BOUNDARY SURVEYS

CONSTRUCTION SURVEYS

PUBLIC WORKS PREQUALIFIED

Area Board of Zoning Appeals
 125 South Lafayette Blvd. Suite 100
 South Bend, Indiana 46601

Re: Variance Petition By: R&B Car Company c/o Brandon Cretacci
 3711 S. Michigan Street
 South Bend, Indiana 46614

To the Honorable Board,

This petitioned parcel is located at 3939 Michigan Street. The building is commonly known as the former Honker's Restaurant on South Michigan Street. It is currently zoned CB Community Business and contains one building with an asphalt parking lot. This site has an interior access drive, adjacent to Michigan Street, which serves five adjacent businesses. R&B Car Company being one of those businesses, located north of the petitioned site along Chippewa Street. It is know that the City of South Bend is in the process of designing a roundabout intersection at Chippewa and South Michigan Street. This new layout will have an affect on the auto lot's current location. R&B Car Company is in the process of purchasing the former restaurant and wanting to relocate there. Due to short time restraints, in reference to the roundabout construction, R&B would like to utilize the site in its current configuration. At a future date, they plan to demolish the existing building and construct a new sales office and re-design the auto sales area. At the time of new construction the landscape shall conform to all requirements outline in the ordinance. In the mean time R&B would like to move forward utilize the existing site for their automobile sales. In order for R&B Car Company to proceed with their plan, we request the following variances:

- A Special Use Variance to allow automobile sales with the CB Community Business District;
- From the required 30' front setback along Michigan Street to 4.5';
- To allow a trash enclosure between the front façade and the front lot line along Main Street;
- From the required landscaping of a trash enclosure to none;
- From the required bicycle rack to none;
- From the required foundation landscaping to none;
- From the required interior off-street parking area landscaping;
- From the required residential landscape screening along the east line to none;
- From the required 24' maneuvering aisles to 18';
- From the required perimeter landscaping to none;
- From the required 10' side yard setback to zero, and therefore allowing
- From Section 21-03.05(B)(II)(C)(iv) to allow automobile display within a zero side yard.

The approval of this variance will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare of the community. All construction shall comply with required standards. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein. R&B currently resides within the neighborhood and operates effectively. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. The construction of a new building shall help facilitate this area, which has gone under recent updates and improvements. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. If there are any questions regarding the above, please contact our office at your earliest convenience.

Sincerely,

Terance D. Lang

18-7148-5282
Sharkey LLC
201 N Yates Lane
Mt. Prospect, IL 60056

18-7148-5281
Mary & Jerry Watkins
3906 S Michigan Street
South Bend, Indiana 46614

18-8019-080002
Frick LLC
61500 Ironwood Drive
South Bend, Indiana 46614

18-8019-080004
Halle Properties
20225 N Scottsdale Road
Scottsdale, AR 85255

18-7148-5286
Robert & Mary Hively
4002 S Michigan Street
South Bend, Indiana 46614

18-7148-5285
Dorothy Randall
4000 S Michigan Street
South Bend, Indiana 46614

18-8019-080104
Morris Group LLC
PO Box 2288
South Bend, Indiana 46680

23-1025-1374
South Gateway Properties LLC
PO Box 2736
South Bend, Indiana 46680

23-1025-1437
Jim Chaney, Jacquelyn Chaney &
Rhonda Chaney
4020 S Michigan Street
South Bend, Indiana 46614

18-8019-080102
Richard & Kathleen Anagnos
8228 S Mason Avenue
Burbank, IL 60459

23-1025-1436
Life Estate for Stephens & Bessie Elton
4016 S Michigan Street
South Bend, Indiana 46614

23-1025-1416
United States of America
Post Office Dept Room 3233
Washington DC 20260

23-1025-1373, 18-8019-080005
Patricia Moore Properties LLC
4011 South Michigan Street
South Bend, In 46614

23-1025-1435, 18-7148-5288,5287
Arron Frazee & Sandra Ginter
4004 S Michigan Street
South Bend, In 46614

18-7148-5277
Hiroshi Bowman & Marag Fulton
3818 S Michigan Street
South Bend, In 46614

18-7148-5283
Donald & Carol Heilman
3918 S Michigan Street
South, Indiana 46614

18-8019-080001
Daniel Green
4115 W Wallen Road
Fort Wayne, In 46818

18-8019-080103
B & N Enterprises
21486 Edgefield Court
Bristol, In 46507

18-7148-5275
Sandra Case
3814 S Michigan Street
South Bend, Indiana 46614

18-8019-0801
PWS Investment Property LLC
3801 S Main Street
South Bend, Indiana 46614

18-7148-5284
Donald & Carol Heilman
3918 S Michigan Street
South Bend, Indiana 46614

18-7148-5278
Juan & Margarita Macias
3820 Michigan Street
South Bend, Indiana 46614



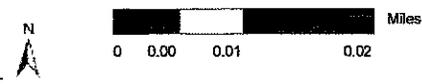
Legend

-  SJC Parcels
-  ELK Parcels
-  SJC Street
-  ELK Street
-  Major Roads
-  1
-  10
-  Primary Roads
-  Secondary Roads
-  Local Roads
-  Rivers

Michiana Regional GIS Website

Map Generated By: Public
 Date Printed: 12/15/2015

1 inch = 90.16 feet



Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

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